MICHIGAN

John Alfred Bosworth, Brighton.
Alfreda E. Swanson, Freeland.
Earl E. Secor, Imlay City.
Elizabeth M. Smith, Lennon.
John Burdette Shaft, Leslie.
George A. Malloy, Petoskey.
Edward C. Hudson, Trout Lake.

MINNESOTA

Carman J. Eeg, Gary.
Stanley A. Torgerson, Hawley.
Henry Walter Malchow, Marietta.
Ralph W. Myers, Owatonna.
Vera E. Harris, Ponsford.
Frank W. Gurno, Redlake.
Maurice A. Walline, Starbuck.
Albert L. Dyrdahl, Williams.

MISSISSIPPI

Carroll N. Yelverton, Hattiesburg.

NEBRASKA

Gerald B. Longwell, Homer.

NEVADA

Virginia M. Rowe, Ruth.

NEW JERSEY

Andree M. Schroeder, Lincoln Park.
Leora M. Wanamaker, Mahwah.
Helen H. Stryker, Ringoes.

NEW MEXICO

Edwin L. Shiplet, Jal.

NEW YORK

Fred A. Griffin, Holtsville.
Vincent J. Behm, Nedrow.
Edna H. Purcell, Waterloo.

OHIO

John R. Mericle, Bremen.
Leslie M. Taylor, Middletown.
Mary E. G. Rex, Rome.

OKLAHOMA

Donald E. Jones, Byars.
Paul O. Wright, Hobart.

PENNSYLVANIA

Clark H. Freas, Falls.
Albert F. Hilliard, Horsham.
Earl G. Smith, Mont Clare.
George Cassett, Somerset.
Herbert E. Readdy, Yeagertown.

SOUTH CAROLINA

Thomas W. Martin, Eutawville.
Shuford S. Shull, Leesville.

SOUTH DAKOTA

Lyman L. Bich, Cavour.
George H. Pryde, Keystone.

VERMONT

Carlton O. Tarbox, Orleans.
James H. Watson, Taftsville.

VIRGINIA

Harland B. Little, Jr., Blacksburg.
Lewis H. Hiscock, Church Road.

WISCONSIN

Werner F. Arnhoelter, Brillion.
John A. Wolenec, Cobb.
Arthur J. Reeths, Marshfield.
Orland L. Prestegard, Roadstown.

WYOMING

Alma F. Bissell, Evansville.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 19, 1956

The House met at 12 o'clock noon.

Rev. J. Milburn McLeod, pastor, First Methodist Church, Lakeland, Fla., offered the following prayer:

God of our fathers, who hast abundantly blessed our Nation from her beginning, we beseech Thee to continue to guide and bless us.

In the very opening moments of this session, help us to be conscious of Thy presence.

Accept, we pray Thee, our sincere thanks for all Thy blessings; forgive us of our sins, we humbly ask of Thee.

Reveal unto us, our Father, Thy will in all our deliberations, and empower us with the courage to carry it out regardless.

Within Thy universal love we would remember our loved ones and all the people of our great Nation.

Use us in the service of our fellow men that we may thereby serve Thee.

May we ever remain faithful to our sacred heritage and always be willing to accept the responsibilities that shall insure its future to generations yet to come.

Now hover over us, our Heavenly Father, in these moments we pray in the name of Him who came to reveal unto us the way everlasting. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Tribbe, one of his secretaries, who also informed the House that on July 18, 1956, the President approved and signed bills of the House of the following titles:

H. R. 2452. An act to provide for the conveyance of certain lands by the United States to the State of Wisconsin;

H. R. 11000. An act to provide for the striking of medals in commemoration of the one hundredth anniversary of the birth of the late Justice Louis Dembitz Brandeis;

H. R. 11356. An act to amend further the Mutual Security Act of 1954, as amended, and for other purposes;

H. R. 11619. An act to amend the Internal Revenue Code of 1954 and the Narcotic Drugs Import and Export Act to provide for a more effective control of narcotic drugs and marihuana, and for other related purposes;

H. J. Res. 456. Joint resolution for the relief of certain relatives of United States citizens;

H. J. Res. 569. Joint resolution to provide for a medal to be struck and presented to each surviving veteran of the War Between the States; and

H. J. Res. 616. Joint resolution for the relief of certain aliens.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 4203. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S. Con. Res. 86. Concurrent resolution authorizing the conferees on H. R. 1774, abolishing the Verendrye National Monument, N. Dak., to consider certain additional Senate amendments.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6040. An act to amend certain administrative provisions of the Tariff Act of 1930 and to repeal obsolete provisions of the customs laws.

The message also announced that the Senate insists upon its amendments to the foregoing bill, and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. GEORGE, Mr. KERR, Mr. MILLIKIN, and Mr. MARTIN of Pennsylvania to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7225. An act to amend title II of the Social Security Act to provide disability insurance benefits for certain disabled individuals who have attained age 50, to reduce to age 62 the age on the basis of which benefits are payable to certain women, to provide for continuation of child's insurance benefits for children who are disabled before attaining age 18, to extend coverage, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. GEORGE, Mr. KERR, Mr. FREAR, Mr. MILLIKIN, Mr. MARTIN of Pennsylvania, and Mr. WILLIAMS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 3498. An act to extend the authority of the American Battle Monuments Commission to all areas in which the Armed Forces of the United States have conducted operations since April 6, 1917, and for other purposes; and

S. 3705. An act to require periodic survey by the Chairman of the Federal Maritime Board of national shipbuilding capability.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 5712) entitled "An act to provide that the United States hold in trust for the Pueblos of Zia and Jemez a part of the Ojo del Espiritu Santo grant and a small area of public domain adjacent thereto," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDERSON, Mr. NEUBERGER, and Mr. GOLDWATER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10947) entitled "An act to provide particular designations for the highway bridges over the Potomac River at Fourteenth Street in the District of Columbia," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BEALL, Mr. MCNAMARA, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Vice President has appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Gov-

ernment," for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 57–2.

CALL OF THE HOUSE

Mr. DAVIS of Georgia. Mr. Speaker, I demand that the Journal be read in full, and, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 105]

Bailey	Gathings	O'Hara, Minn.
Bell	Gordon	Passman
Bentley	Halleck	Powell
Brownson	Hébert	Priest
Burleson	Hoffman, Ill.	Prouty
Carnahan	Holmes	Scudder
Chatham	Kelley, Pa.	Short
Clark	Lane	Simpson, Pa.
Dague	McDowell	Thompson, La.
Davis, Wis.	Mollohan	Thornberry
Eberharter	Moulder	Wickersham
Gamble	Nelson	

The SPEAKER. On this rollcall 399 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. DAVIS of Georgia. Mr. Speaker, I object to dispensing with further proceedings under the call.

Mr. McCORMACK. Mr. Speaker, I move that further proceedings under the call be dispensed with.

Mr. SMITH of Virginia. Mr. Speaker, I move to lay that motion on the table, and on that I demand the yeas and nays.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia [Mr. SMITH].

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 290, not voting 38, as follows:

[Roll No. 106]

YEAS—104

Abbitt	Forrester	Patman
Abernethy	Fountain	Pilcher
Albert	Frazier	Poage
Alexander	Gary	Poff
Alger	Gentry	Preston
Andrews	Grant	Rains
Ashmore	Gregory	Richards
Barden	Haley	Riley
Bass, Tenn.	Hardy	Rivers
Bennett, Fla.	Harris	Roberts
Blitch	Harrison, Va.	Robeson, Va.
Boggs	Hays, Ark.	Rogers, Fla.
Bonner	Herlong	Rogers, Tex.
Boykin	Huddleston	Rutherford
Brooks, La.	Ikard	Selden
Brooks, Tex.	Jennings	Sheppard
Brown, Ga.	Jonas	Shuford
Broyhill	Jones, Ala.	Sikes
Carlyle	Jones, Mo.	Siler
Colmer	Jones, N. C.	Smith, Kans.
Cooley	Kilday	Smith, Miss.
Cooper	Kilgore	Smith, Va.
Cramer	King, Pa.	Spence
Davis, Ga.	Landrum	Teague, Tex.
Davis, Tenn.	Lanham	Thomas
Dies	Long	Thompson, Tex.
Dondero	McMillan	Trimble
Dorn, S. C.	Mahon	Tuck
Dowdy	Mason	Vinson
Durham	Matthews	Whitten
Elliott	Mills	Williams, Miss.
Evins	Morrison	Willis
Fascell	Murray, Tenn.	Winstead
Fisher	Natcher	Wright
Flynt	Norrell	

NAYS—290

Adair	Ford	Morano
Addonizio	Frelinghuysen	Morgan
Allen, Calif.	Friedel	Moss
Allen, Ill.	Fulton	Multer
Andresen, August H.	Garmatz	Mumma
Anfuso	Gavin	Murray, Ill.
Arends	Gray	Nicholson
Ashley	Green, Oreg.	Norblad
Aspinall	Green, Pa.	O'Brien, Ill.
Auchincloss	Griffiths	O'Brien, N. Y.
Avery	Gross	O'Hara, Ill.
Ayres	Gubser	O'Konski
Baker	Gwinn	O'Neill
Baldwin	Hagen	Osmers
Barrett	Hale	Ostertag
Bass, N. H.	Halleck	Patterson
Bates	Hand	Pelly
Baumhart	Harden	Perkins
Beamer	Harrison, Nebr.	Pfost
Becker	Harvey	Philbin
Belcher	Hays, Ohio	Phillips
Bennett, Mich.	Hayworth	Pillion
Berry	Healey	Polk
Betts	Henderson	Price
Blatnik	Heselton	Prouty
Boland	Hess	Quigley
Bolling	Hiestand	Rabaut
Bolton, Frances P.	Hill	Radwan
Bolton, Oliver P.	Hillings	Ray
Bosch	Hinshaw	Reece, Tenn.
Bow	Hoeven	Reed, N. Y.
Bowler	Holifield	Rees, Kans.
Boyle	Holland	Reuss
Bray	Holmes	Rhodes, Ariz.
Brown, Ohio	Holt	Rhodes, Pa.
Brownson	Holtzman	Riehlman
Buckley	Hope	Robsion, Ky.
Budge	Horan	Rodino
Burdick	Hosmer	Rogers, Colo.
Burnside	Hull	Rogers, Mass.
Bush	Hyde	Rooney
Byrd	Jackson	Roosevelt
Byrne, Pa.	James	Sadlak
Byrnes, Wis.	Jarman	St. George
Canfield	Jenkins	Saylor
Cannon	Jensen	Schenck
Carrigg	Johansen	Scherer
Cederberg	Johnson, Calif.	Schwengel
Celler	Johnson, Wis.	Scott
Chase	Judd	Scrivner
Chelf	Karsten	Seely-Brown
Chenoweth	Kean	Sheehan
Chiperfield	Kearney	Sieminski
Christopher	Kearns	Simpson, Ill.
Chudoff	Keating	Sisk
Church	Kee	Smith, Wis.
Clark	Kelly, N. Y.	Springer
Clevenger	Keogh	Staggers
Cole	Kilburn	Steed
Coon	King, Calif.	Sullivan
Corbett	Kirwan	Taber
Coudert	Klein	Talle
Cretella	Kluczynski	Taylor
Crumpacker	Knox	Teague, Calif.
Cunningham	Knutson	Thompson, Mich.
Curtis, Mass.	Krueger	Thompson, N. J.
Curtis, Mo.	Laird	Thomson, Wyo.
Davidson	Lankford	Tollefson
Dawson, Ill.	Latham	Tumulty
Dawson, Utah	LeCompte	Udall
Deane	Lesinski	Utt
Delaney	Lipscomb	Vanik
Denton	Lovre	Van Pelt
Derounian	McCarthy	Van Zandt
Devereux	McConnell	Velde
Diggs	McCormack	Vorys
Dingell	McCulloch	Vursell
Dixon	McDonough	Wainwright
Dodd	McGregor	Walter
Dollinger	McIntire	Watts
Dolliver	McVey	Weaver
Donohue	Macdonald	Westland
Donovan	Machrowicz	Wharton
Dorn, N. Y.	Mack, Ill.	Widnall
Doyle	Mack, Wash.	Wier
Eberharter	Madden	Wigglesworth
Edmondson	Magnuson	Williams, N. J.
Ellsworth	Mailliard	Williams, N. Y.
Feighan	Marshall	Wilson, Ind.
Fenton	Martin	Withrow
Fernandez	Meader	Wolcott
Fino	Merrow	Wolverton
Fjare	Metcalf	Yates
Flood	Miller, Calif.	Young
Forand	Miller, Md.	Younger
	Miller, Nebr.	Zablocki
	Miller, N. Y.	Zelenko
	Minshall	

NOT VOTING—38

Andersen, H. Carl	Bell	Carnahan
Bailey	Bentley	Chatham
	Burleson	Dague
Davis, Wis.	Hoffman, Ill.	Powell
Dempsey	Hoffman, Mich.	Priest
Engle	Kelley, Pa.	Scudder
Fallon	Lane	Shelley
Fogarty	McDowell	Short
Gamble	Mollohan	Simpson, Pa.
Gathings	Moulder	Thompson, La.
George	Nelson	Thornberry
Gordon	O'Hara, Minn.	Wickersham
Hébert	Passman	Wilson, Calif.

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Mollohan against.

Mr. Bell for, with Mr. Kelley of Pennsylvania against.

Mr. Thornberry for, with Mr. Gordon against.

Mr. Thompson of Louisiana for, with Mr. Powell against.

Mr. Gathings for, with Mr. Bailey against.

Mr. Burleson for, with Mr. Carnahan against.

Mr. Chatham for, with Mr. Engle against.

Mr. Passman for, with Mr. Fogarty against.

Mr. Priest for, with Mr. Shelley against.

Mr. Wickersham for, with Mr. Dague against.

Until further notice:

Mr. Moulder with Mr. Bentley.

Mr. Dempsey with Mr. Simpson of Pennsylvania.

Mr. McDowell with Mr. Short.

Mr. Fallon with Mr. Scudder.

Mr. JOHANSEN changed his vote from "yea" to "nay."

Mr. HOFFMAN of Michigan. Mr. Speaker, what are the qualifications to vote?

The SPEAKER. Members must say they were on the floor listening and did not hear their names called.

Mr. HOFFMAN of Michiagn. I walked in the door as the rollcall was finished. I presume I cannot qualify.

The SPEAKER. The gentleman does not qualify.

Mr. HOFFMAN of Michigan. Then I cannot vote.

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Massachusetts [Mr. McCORMACK] that further proceedings under the call be dispensed with.

Mr. DAVIS of Georgia. Mr. Speaker, on that I demand the yeas and nays. [After a pause.] I withdraw it.

The SPEAKER. Without objection further proceedings under the rollcall will be dispensed with.

There was no objection.

The JOURNAL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Journal be considered as read and that it stand approved.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 627) to pro-

vide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 627, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, July 17, all the time for general debate on the bill had expired. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, as I understand it, an agreement has been reached by the majority and minority leaders and those concerned with the bill who are in leadership thereof that the Committee will rise at 5 o'clock this afternoon.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, I wonder if that is agreeable to the gentleman from New York [Mr. KEATING].

Mr. KEATING. The arrangement to rise at 5 o'clock is agreeable to me.

Mr. SMITH of Virginia. I hope that will satisfy everybody.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That this act may be cited as the "Civil Rights Act of 1956."

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIS: Strike out all after the enacting clause and substitute in lieu thereof the following:

"SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the 'Commission').

"(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

"(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

"(e) Four members of the Commission shall constitute a quorum.

"COMPENSATION OF MEMBERS OF THE COMMISSION

"SEC. 102. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

"DUTIES OF THE COMMISSION

"SEC. 103. (a) The Commission shall—

"(1) investigate the allegations that certain citizens of the United States are being deprived of their right to vote or are being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origin;

"(2) study and collect information concerning economic, social, and legal developments constituting a denial of equal protection of the laws under the Constitution; and

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

"(b) The Commission shall submit interim reports to the President at such times as either the Commission or the President shall deem desirable, and shall submit to the President a final and comprehensive report of its activities, findings, and recommendations not later than two years from the date of the enactment of this statute.

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

"POWERS OF THE COMMISSION

"SEC. 104. (a) Within the limitations of its appropriations, the Commission may appoint a full-time staff director and such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the act of August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a) but at rates for individuals not in excess of $50 per diem.

"(b) The Commission shall consult with the governors and attorneys general of the respective States and may consult with such other representatives of State and local governments, as it deems advisable.

"(c) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

"(d) The Commission, or on the authorization of the Commission any subcommittee of two or more members, may, for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable.

"APPROPRIATIONS

"SEC. 105. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this act."

Mr. WILLIS (interrupting reading of the amendment). Mr. Chairman, the amendment I have offered carries out what I stated on the floor the other day. It proposes to strike out parts II and III. It is very simple in its nature. I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. KEATING. I understood the gentleman to say that his amendment would strike out parts II and III. Probably the gentleman meant parts III and IV, did he not?

Mr. WILLIS. Yes. I was about to say that the amendment would strike out parts II, III, and IV.

Mr. KEATING. The gentleman now says III and IV?

Mr. WILLIS. II, III, and IV.

Mr. Chairman, as we know by now, the proposition before us is divided into four parts. Part I would establish a Commission on Civil Rights. Part II would add an additional Assistant Attorney General to head a new division in the Department of Justice to be known as the Division on Civil Rights, part III purports to strengthen the civil-rights statutes, and part IV to further secure and protect the right to vote.

Mr. BOYLE. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Illinois.

Mr. BOYLE. I think part I really does not establish a Commission. It establishes a group to study this for 2 years.

Mr. WILLIS. Well, it does establish a Commission. That is the title of it.

Mr. BOYLE. For 2 years.

Mr. WILLIS. I will come to that. I am synopsizing the four parts.

Mr. Chairman, in offering this amendment, as I said a moment ago I am carrying out what I announced previously. I announced to the full Committee on the Judiciary, I announced to the Rules Committee and I announced on the floor I would offer this amendment, the effect of which is to strike out parts II, III, and IV.

Under the language of the amendment I have offered the language in part I is kept intact except in three simple instances. On page 22 of the bill, section 104 (b) reads as follows:

(b) The Commission may accept and utilize services of voluntary and uncompensated personnel and pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of $12).

My amendment deletes that provision. Then again, on page 22, section 104 (c) presently reads:

(c) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable.

I substitute new language for section 104 (c) to read:

The Commission shall consult with the governors and attorneys general of the respective States and may consult with such other representatives of State and local governments as it deems advisable.

The third change in the entire part I made by my amendment would be to delete on page 24, lines 6 through 24, language relating to the subpena power. Now, with these three slight changes, important though they are, I have offered

this proposal as a substitute, and I do so for two primary reasons:

No. 1: In his state of the Union message the President of the United States asked only for a Commission. He did not ask for any further enactment of law in the areas that this bill reaches during this session of the Congress. Of course, we have been told that the President now approves parts II, III, and IV in addition to part I establishing the Commission. I cannot speak for the administration, but I think from my knowledge of the facts I can assert as a fact that there is no particular anxiety on the part of the President for us to do anything more than what he asked for in his state of the Union message, namely, the establishment of a Commission. And, I do so for these reasons: His state of the Union message was not followed up by the introduction of any legislation of any kind; not even the establishment of a Commission, much less legislation along the lines of parts II, III, and IV.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. We encountered in the Committee on the Judiciary having charge of this legislation much delay in receiving any word from the administration in connection with this legislation in answer to the request of the committee. As a matter of fact, the Attorney General was invited many times to appear before the subcommittee, which is normal procedure, to give evidence and to express the views of the administration, but he never did appear before the subcommittee. He appeared once by special invitation of the full committee when we were about to consider a resolution as to what to do with this troublesome problem. Up to that time we had a bill introduced by the gentleman from New York which contained provisions entirely different than those now before the House. Finally, the Attorney General appeared before the full Committee on the Judiciary, and just about the same time, a measure was finally introduced carrying out Mr. Brownell's version, which is the bill before the House at this very moment. So I say that all in all I am personally confident, from the facts as I know them, that it would not be too displeasing, if not entirely satisfactory to the administration, if we dealt only with the subject matter of the establishment of a Commission.

The second reason for my proposal as a substitute, striking out parts II, III, and IV, is this. Part I of the bill establishes a Commission and directs the Commission to investigate allegations concerning the matters spelled out in the bill. The purpose and effect of part I, one would imagine, is to verify these allegations for the information of Congress in order that after the Commission filed its report, within 2 years, we could then proceed to legislate. As a matter of fact, that is what the President proposed specifically in his state of the Union message; to establish the Commission for a 2-year period, to await the findings and recommendations and then we would proceed to legislate.

On the other hand, after doing that—launching an investigation to verify allegations—then come parts II, III, and IV, which contain specific legislation as though the allegations to be investigated had been proven. Why should we legislate upon matters that the Commission had been instructed to investigate? If the creation of a Commission is necessary then why should we not await the report of the Commission? As a matter of fact, after 2 years of a study which I hope will be long and deliberate and fruitful—and it could be, probably—the Commission might come forward with an entirely different approach to this problem.

Witness the fact that the gentleman from New York [Mr. CELLER], the chairman of my committee, and a great friend of mine, had an entirely different idea as to what should be done. Then Mr. Brownell came along at the last minute and injected these other thoughts.

So I say to you that if the Commission makes this study and after 2 years render its report, we may be embarrassed by a premature action on our part at this time.

Let me say that I do not favor the idea of a Commission at all, and I expressed myself so on the floor the other day. I entertain the same views today. But I know that legislation results from a process of compromise based on sound judgment. Therefore, I think it would be a good solution if we carry out the recommendation of the President that a Commission be established. However, I believe that the powers of the Commission should be restricted in the three areas that I have indicated. First, that it not be given power to utilize voluntary groups; the power of the Commission to utilize the services of voluntary groups and organizations will result in plaguing the Commission with such matters as I described the other day. Then the Commission should be directed to consult with the governors and attorneys general of the respective States, obtain their ideas, study their advice, and to get their viewpoints, the ideas of the chief executives and law-enforcement officers of the several States. Finally, the subpena power should be eliminated. I think that would be a happy solution and I hope my proposal will be adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Iowa.

Mr. GROSS. Then the gentleman's amendment makes no change whatever in part I, with respect to the duties of the Commission, and so forth?

Mr. WILLIS. It does not.

Mr. GROSS. It does not affect any part of the vast powers given to the Commission?

Mr. WILLIS. It does not, with the exceptions that I have indicated that it does do away with the power of the Commission to hire voluntary groups, and so on.

Mr. GROSS. That is very helpful, I will say to the gentleman.

Mr. WILLIS. And secondly, it would eliminate the subpena power. But outside of that, the language of part I is the same. I do not like that language, but believe me, I do not want to scuttle part I. I want to preserve as much of Mr. Brownell's language as I think would be fair.

Mr. MURRAY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. MURRAY of Illinois. Is it not a fact that, under our Constitution, if the governors and attorneys general refuse to consult with this Commission we could not do anything to compel them to consult with them?

Mr. WILLIS. There may be a point to what the gentleman states, I think, if he can find other language to indicate that they shall make an attempt to consult. That is all I want.

Mr. SELDEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Chairman, let me say at the outset that I am unalterably opposed to the legislation now before us. This bill transfers new and dangerous powers to the Federal Government and has evidently gained support as a result of its title rather than its merits. It is designed to undermine States rights rather than to protect civil rights.

Even the proponents of H. R. 627 must realize that this bill is not only loosely drawn, but its real purpose is often hidden. For example, part I of H. R. 627 sets up a Commission on Civil Rights to investigate the necessity of civil rights legislation. Yet, parts II, III, and IV, propose the very legislation whose need is supposed to be investigated. If an investigation is really what the proponents of this legislation desire, then why are its results prejudged?

Under normal procedure, a thorough investigation of any subject should be conducted before remedial legislation is considered, and this is the purpose of the amendment now under consideration.

I therefore urge the Members of the House to support the amendment offered by the gentleman from Louisiana [Mr. WILLIS] to eliminate parts II, III, and IV of H. R. 627.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with reluctance that I oppose anything that the distinguished gentleman from Louisiana proposes. I have a deep and abiding respect for him and his opinions. However, I feel that if we were to adopt his amendment we would scuttle this bill. We would take the very guts out of it.

We read daily of the deprivation of civil rights in various parts of the country. One of the purposes of this bill is to preserve those civil rights guaranteed by the Constitution, particularly amendments 14 and 15. The present statute is woefully inadequate to preserve those rights and to prevent erosion of these rights. Part III, which is sought to be

stricken, seeks to strengthen those civil-rights statutes, which go back many years, but as a result of various interpretations of the courts have dwindled into empty rights. They are not adequate for the situation as it exists today. It would be like applying a horse-and-buggy technique to an atomic era. So that it is necessary to build on those old statutes. We do not put up a great superstructure thereon, but I do believe in a measurable degree protection will be given to those who are daily having their rights unduly taken from them.

I do not believe we can disregard some of the events that we have heard of which have culminated in the desegregation decision of the Supreme Court and which has prompted legislation of this character. We cannot remain purblind and myopic to those events.

For example, we cannot disregard the lessons that flow from the Emmet Till murder and the Montgomery bus boycott and the student transportation strike in Tallahassee, the barring of the NAACP in two States, and more particularly the White Citizens Councils. As the result of their machinations, employees are fired because of race or color, mortgages are foreclosed, farmers are denied credit, lawyers and doctors are intimidated, and stores are boycotted because they sought to protect constitutional rights—rights of themselves and rights of their fellows.

We read of all manner and kinds of excesses. They are deplorable. The very object of this legislation is, shall I say, to start a train of remedies or a train of statutes to get after these excesses that result in taking away from our citizens their natural rights, their constitutional rights.

For example, we know in one State there are all manner and kinds of employment discriminations. As a result, for example, of a revision of the law in South Carolina on February 15, 1953, it is unlawful to employ colored and white in the same room in the textile industry. Any citizen of a county can sue the defending company and collect $100 for each violation. Now there are scores of similar State laws of that nature. We cannot blind ourselves to these situations. While it may be true that this particular proposed statute before us is not aimed at those specific cases, I will say that these old statutes which go back to 1871 could conceivably be stretched by court decisions to get at these very violations—I say could—but what we do by this legislation is to make more definite those old moth-eaten statutes. I hope, therefore, the amendment will not prevail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COLMER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 2 minutes so that I may propound a question to him.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. COLMER. The gentleman referred to the so-called Till murder case. If that were a murder, and I am willing now to assume that it was for the purpose of this question, and if so a very deplorable one, does the gentleman mean that in a case of murder the Federal courts would have exclusive jurisdiction under this proposal to the exclusion of the State courts?

Mr. CELLER. I did not say that. I was very careful in my statement. I said, "Events of that character alerted the Nation to the need for taking some legislative steps." I said that not only is there a need to pass the bill, but there may be the need to start a chain of other bills to meet the situations.

Mr. COLMER. Then, assuming again that that was a murder, and if so, I repeat, a deplorable one; is there anything in this bill which would touch on that question or which would solve it?

Mr. CELLER. That question is going to take more than a half minute to answer, but I will say this. If individuals under color of authority, and I emphasize that—take steps to prevent anyone from exercising his constitutional rights—and that might be involved in some of the circumstances involving that terrible event which you have mentioned——

Mr. COLMER. The gentleman mentioned it first.

Mr. CELLER. Whoever mentioned it—it matters not—it is a fact. But to continue. Then those individuals could be brought to book, civilly and criminally under the present statute.

But as to those criminal sanctions for violations of the old statute, because of present tensions and past tensions in the local communities, grand juries have failed to bring in true bills, petit juries have refused to indict and even judges have forsaken their duty in making appropriate charges because of the pressures, tensions, and difficulties that exist locally. Those laws have been rendered abortive. The individuals who have the right to sue in their private capacity are in the main indigent or ignorant. They know not of their rights. If they know of their rights, they have not the wherewithal to sue as private individuals. Therefore, what we do by this bill in part III particularly is to give the Attorney General the right to represent those individuals who have been aggrieved so that they can have their day in court at least.

Mr. COLMER. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield to the gentleman.

Mr. COLMER. What I am trying to get the gentleman to say in one way or another is this: Does the gentleman propose we should have the jurisdiction of the crime of murder taken away from the sovereign States and placed in the Federal Government?

Mr. CELLER. That cannot be answered categorically, but I will say that if in that crime of murder there is a combination of individuals who have concertedly sought and actually have deprived an individual of his constitutional rights—for example if he wished to complain about the murder—he has a right to complain. If that concerted effort prevents him from complaining, and they exercise reprisals against him, then the law today gives him the right to complain—it may be an empty right because, as I said, it is a poor individual usually; he does not know his rights. He is often cowed and intimidated. If he knows his rights, he may not have the wherewithal to proceed; so we say let the Attorney General come in. I am not one of those who likes to give this power to the Attorney General. It goes against my principles to give an agent of the Government such tremendous power. But when we have a danger of this character we have to meet that danger with a power that is equal to overcome that danger. That is why I am willing to go this far, as to give the Attorney General the right to bring this action on the part of an individual aggrieved.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. COLMER. Mr. Chairman——

Mr. ALGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair is going to alternate from one side to the other in recognizing Members. The gentleman from Texas [Mr. ALGER] is recognized.

Mr. ALGER. I yield to the gentleman from Mississippi.

Mr. COLMER. I do not want to take advantage of my gracious friend.

Mr. HOFFMAN of Michigan. Will somebody yield to me to make a unanimous-consent request?

Mr. COLMER. If I understood the Chair, he said he would alternate, and I may get recognition in my own time, or that I might get recognition now and yield to the gentleman from Texas. But if the gentleman yields to me, and I have the floor, then I will proceed.

The CHAIRMAN. Allow the Chair to make it clear that in order to be fair he is going to try to alternate frcm one side to the other. If the gentleman from Texas [Mr. ALGER] wants to use his time, he is at liberty to do so. If he wants to yield, he may do so, or he can yield the floor and be recognized later.

Mr. GROSS. Is this coming out of the gentleman's time?

Mr. ALGER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman from Mississippi.

Mr. COLMER. I do not want to leave this very, very important question that I raised with the distinguished gentleman from New York [Mr. CELLER], as to just how far we are going and how far we propose to go under the guise of protecting the rights of minority groups at the expense of the sovereignty of the States. If we follow the line of reasoning of the gentleman from New York [Mr. CELLER], then we are going to further rape the sovereignty of the States by removing from them the traditional jurisdiction to try the crime of murder.

Now let me say that I do not condone the crime in the so-called Till case. And I must not trespass upon the time of my friend from Texas.

Mr. ALGER. I was hoping the gentleman would not continue too long, but he may proceed, if he yields the floor back to me.

Mr. COLMER. The gentleman is very gracious and I will not take more of his time than to say that no one in Mississippi holds any brief for the murder of Till or anybody else, but the issue involved here is whether we are going to surrender one of the few rights left to the States to an ever increasingly powerful Federal Government.

I thank the gentleman from Texas for his generosity and his graciousness.

Mr. ALGER. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Chairman, in the last few weeks, if reliable reports are to be believed, there has been a great stirring among some of the politicans in this country for action by Congress on a number of issues lest the coming campaign find these same politicians with little about which to argue. I find their concern both puzzling and appalling.

For one, I should never stigmatize this 84th meeting as a "do-nothing" Congress. Would to goodness it had done a great deal less. My puzzlement should surprise no one, for I confess I have gone around here a little puzzled, if not downright perplexed, a good deal of the time during the 2 years it has been privileged to sit, and to learn, in this greatest legislative assembly in the world. Should and can a Congressman vote his convictions?

Almost 2 years ago, I faithfully promised the people of Dallas that I would be guided in my actions here by the clear and simple philosophy outlined in the Declaration of Independence and by the equally clear and simple mandates of our Constitution. I pledged to the people of Dallas that I would measure every bill considered by two yardsticks: First is this a function of the Federal Government? and, second, can we afford it? I further promised them, in utter good faith and with absolute sincerity, that on the positive side I would use four guideposts to determine the positive merits of every piece of legislation and offer my active support to those which measured up. The guideposts: First, stop increasing the size of the Federal Government; second, eliminate Federal Government from those areas where it has no place being; third, decentralize the Government back to the States wherever possible; and, fourth, conform in every case to the principles outlined in the Declaration of Independence, and the rules laid down in the Constitution.

Goodness knows, this was a simple enough platform, and one firm enough to support any who would stand on it. Like Alice's looking glass, however, when viewed from the perspective of that platform, much of the legislation passed in this Congress makes no sense at all. Could it be that these principles make an excellent platform to stand upon while being photographed, but one which offers no protection from the elements in the event of a political storm? For I have been told on more than one occasion that to stand flatfootedly in such an exposed position and vote invariably according to my own convictions is "political suicide." There is the heart of the puzzle, and as I listen to colleagues in committee and on the floor, my perplexity only increases.

Before examining specific legislation, consider the yardsticks and guideposts. To stop increasing the size of Federal Government and limiting government to its proper functions implies an advocacy of States rights. While many of us criticize the Supreme Court judicial reinterpretation of the Constitution, which curtails States rights, what have we done in legislation?

The bill authorizing our vast highway program boosted the Federal Government's contribution from 50 to 90 percent and in one swoop transferred the authority to set wage rates and working conditions from each State capital to Washington. Also, States are offered Federal funds for reimbursement of utility relocation costs "if State law permits" which simply forces States not now conforming to alter their laws. Of course, we need the highways and for 2 years in my committee I worked for them, but the final bill violated States rights and concentrates greater power in Washington, even though it does face up to pay-as-we-go financing which satisfies the can-we-afford-it yardstick.

By the time we got through with the much-needed water pollution bill it proffered new and different Federal help direct to localities without traditional State participation. This huge new grant-in-aid program to build local sewage-disposal facilities assumes what have been, prior to this, local and State responsibilities. Once again, States rights took a licking not necessary in such a bill, so I voted against it. Here, again, a bill fails under the first yardstick, as is so often the case, before we even consider: Can we afford it?

Public-power development, putting Uncle Sam in the business of generating electricity at the expense of all taxpayers for the benefit of those in certain areas of the country, transfers State authority to the Federal Government at an alarming rate as huge Federal expenditures are poured into almost countless existing projects. TVA expansion and the Colorado River project are but two I voted against, feeling that it is not the business of Federal Government to generate electricity for sale. I do not see why Dallas citizens must help pay for others' electric power as well as their own which is not subsidized by Government.

When the public-housing bill came up, we heard its advocates argue that we should now build federally subsidized housing for middle-income families and without relationship to slum clearance. Now, nobody is against all our citizens having decent housing—of course, they should. But is it the function of our Government to provide it? Socialism, of course, advocates this. There are other ways to secure housing in a country of free people than by dependence on the Federal Government. So I voted against the public-housing bill.

How about the bill increasing the minimum wage? Is this a function of Federal Government? Here is a real teaser which even the committee which studied the bill could not, or did not, answer. It is a documented fact that the committee could not define "interstate commerce" properly to account for the right of Federal Government to set wages, but the bill passed the House anyway, with no one bothering to answer this question. Again, I was dragging my feet and voting against it on principle.

Is construction of school rooms a function of Federal Government? We well know that we cannot keep the education of our children under local jurisdiction and permit the Federal Treasury to foot the bill. A responsible Federal Government must supervise its own expenditures and the bill itself contains 29 pages of detailed terms and conditions under which Federal aid might be extended. Federal law is written by politically-minded Congressmen, and I voted against this bill which I felt could bring our schools under Federal and political domination.

Foreign aid presents a dilemma not easily resolved and I painstakingly studied the bill, read the committee reports, and listened to the entire debate. Grave doubts plagued me over whether or not such aid could accomplish our intended goals. At the same time, even the constitutionality of such expenditures seems questionable. This, plus bookkeeping errors amounting to hundreds of millions of dollars and unexpended balances of billions, sufficiently satisfied me that the program was not satisfactory in its present form.

These measures represent some of the accomplishments of the 84th Congress and probably were among the most difficult. After study and debate the answer for me was not difficult because I adhered to my yardsticks of principle and voted according to the facts. Is this not a Congressman's duty?

On the positive side, a great many bills embodying much-needed legislation were left untouched or passed over in committee.

The field of tax revision, particularly income tax, needs great study and correction. How about legislation requiring that Congress balance the budget yearly? The national debt retirement warrants congressional attention. The need for reform in our electoral procedures has long been recognized, yet the House gave it no thought. Another provocative thought—why does Congress not propose a constitutional amendment to give the States full power to amend the Constitution without the intervention of Congress? Though the people recognize that we should never let our Constitution be changed by use of treaty power, yet Congress did nothing. Then, if we really believe in efficient, dependable, streamlined government, why did we not consider the bills to implement the Hoover Commission's findings? Waste, overlapping agencies, duplicated effort, costing

billions of dollars yearly have been uncovered and documented by the bipartisan Hoover Commission. I, for one, did my best to put these sensible recommendations into law by sponsoring many bills embodying the Hoover Commisison recommendations. Little hope exists for their consideration. Would these bills not have been worthy of the most responsible and do-something Congress? The President specifically requested their consideration, mentioning several as particularly meritorious, but Congress would not act.

Instead of such legislation, we spent time and effort on strictly political legislation and pure demogoguery considering the $20 tax cut, civil rights, veterans' pensions, the "little man" pleadings, and others. The $20 tax cut was proposed early last year before appropriation bills were considered, which would tell us the year's planned expenditures and at a time of deficit financing. This was not responsible fiscal action. No one wants to oppose a tax cut, of course. Apparently, some never will. But I could not vote for this bill whose questionable aim was an effort to buy votes. True, it might have embarrassed an administration trying hard to balance the budget, and the budget has been balanced; but the Democrat proponents forgot, at least temporarily, that this being a Democrat controlled Congress, the responsibility for such action would be theirs. Also forgotten was the embarrassment this action would cause those Democrat Congressmen who would not approve this political bill.

The civil rights bill found Congressmen of both parties faced with a bill that threatened unlimited damage to the civil liberties of all citizens. The proponents were placed in a particularly bad light in bringing the bill up just before adjournment, expecting thus to be able to try politically to win votes throughout the country, yet certain that time, or the Senate, would prevent its passage. Such poorly written legislation can do irreparable damage to the freedom of our citizens, even as Congressmen refuse to oppose it, not because they believe it to be good legislation, but because they are afraid to oppose the name "civil rights." How ironic, if in the name of civil liberty, we were to subject ourselves to the absolute dictation of our own Central Government.

The veterans' non-service-connected disability pension bill would have been funny, as events developed during debate, were it not so serious. Many Congressmen who opposed this bill in principle voted against the bill, but when the record rollcall was demanded, many changed their vote. Is this responsible representation of constituents? I voted against the bill because I felt that service-connected disabled veterans came first.

Finally, to summarize other demagogic, not statesmanlike, floor action, I recall the many references to the little man, so-called, the nameless class of people who some claim are particularly deserving of the Federal hand-out and attention. Suppose a Congressman is for the little man. Then, to be consistent, he must vote to prevent inflation which waters the earnings, buying power, and savings of those of lower income. This means such a Congressman must vote against the countless social programs and big paternal Government appropriations, because it is these very expenditures that make the taxload so heavy on this little man. Why not cut the size of Government and permit a tax cut which would return money to the taxpayer's pocket. Those who proclaim most loudly their concern for the little man are the very ones who vote for all appropriations. Remember, "tax, tax, spend, spend, elect, elect"?

Who now will proclaim the facts of labor's stake in industry and this American paradise of little man's capitalism where the worker is privileged to own his business through stock participation.

In Congress we hear demagogery on the trickle-down versus percolate-up Federal grants and very little on the virtues of the free enterprise system which has given the laboring man the world's highest living standard. If we do not vote to nurture and preserve the goose that lays the golden eggs, we could be the funeral arrangers for free enterprise, individual freedom, and the American system of Government.

The voting record I have outlined has been built upon honest conviction, but again the recurring question, "Can a Congressman vote his convictions and remain in Congress?" Admittedly, the platform upon which I have stood and from which I cast my votes has at times been a cold and lonely place. Colleagues of considerably greater seniority have termed my course "political suicide." In his analysis of the 84th Congress, issued between sessions, Walter Reuther made it very apparent that he and I agree on next to no point whatever. There are those who believe that in order to get along you have to go along—that party regularity comes first. I cannot endorse this rubber-stamp policy, nor has my party ever asked it of me. Mr. Paul Butler told me to my face that "We intend to see that you do not return." The ADA figured that from their viewpoint my batting average in the first session was an absolute zero.

It may well be that the course I have followed is politically suicidal. Having never held a public post or political job before, perhaps I am sort of like the bumblebee—who theoretically cannot fly for lack of wing area—and should not be here at all. To have voted contrary to the basic principles I have laid down in order to curry political favor, I feel, would have been insulting to the intelligence of those people who were good enough to put their faith in me. Votes based on conviction suicidal? I doubt it.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman from Illinois.

Mr. MASON. I say to the gentleman after 20 years in this body that a man can and should vote his convictions, regardless of partisanship, and that man will return.

Mr. DEROUNIAN. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman from New York.

Mr. DEROUNIAN. May I say to the gentleman from Texas that in his brief 2 years as a Member of this House he has gained the admiration and respect of his colleagues not only for his industry and perseverance but for his refreshing attitude, his clean way of living, and I congratulate the gentleman. I predict he will be back the next time with even a greater majority than before.

Mr. LANHAM. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I believe that even we Democrats are a little bit glad of the political accident that sent our good friend from Texas [Mr. ALGER] here as a Member. He has won the hearts and the respect of all of us. I count him as one of my very true friends.

Mr. Chairman, I was rather surprised at the statement of the distinguished gentleman from New York [Mr. CELLER] when he said that in principle he thought that the Attorney General should not be given so much power. I wonder if he means by that he is rising above principle to support this bill? That is what it sounded like to me and I think that is what you will have to do if you vote for this bill.

I rise in support of the pending amendment and I do so at this time because of the colloquy between the distinguished gentleman from Mississippi and the distinguished gentleman from New York relative to invasion of the rights of the States to conduct their own affairs, and especially to conduct their own courts.

In this connection I want to call your attention to a case again that happened in my own district, just to show you what will happen if you give an Attorney General all this power. Moreover, what happened in my State happened without his having this power that you propose to give him in this bill.

Mr. Chairman, I rise also in opposition to the so-called civil-rights bill which, in my opinion, should better be called the civil-wrongs bill. As the distinguished gentleman from Texas [Mr. Alger] has said, more civil and individual rights will be destroyed by this bill than will be protected.

So much has been said and so ably by those who are in favor of the bill and those who are opposed to it that it does not seem necessary for me to repeat the arguments which have been adduced on the question.

As the able gentleman from Louisiana [Mr. WILLIS] has so forcefully told you, this bill does not give a single right to any individual but concentrates power in the Attorney General even to the extent of permitting him to bring a suit either for damages or an injunction not only without consulting the aggrieved person but even over the objection of such person. This is an astounding proposal; and if so many were not intent upon passing this bill for purely political purposes, the House would be shocked and would revolt against the bill's passage.

Within this bill are the seeds of a Soviet-type gestapo, of secret informers, and, if the bill should become law, we

would be faced with the knock on the door at midnight of the secret and unpaid agents of the Commission set up by this bill and the tools of the Attorney General. We could be jailed without the benefit of trial by jury and at the instigation of faceless informers. The minds of Khrushchev, Bulganin, or Stalin himself could not have conceived a more dangerous surrender of individual power to a government official, politically minded as our Attorneys General usually are.

I warn you that in adopting this bill you are creating a Frankenstein monster that can destroy us all. Power corrupts and absolute power corrupts absolutely, as it has been said. No Attorney General should be entrusted with such power as this bill would give him.

The people of my district have tasted the bitter brew concocted of the unwarranted interference by the present politically minded Attorney General who sent his snoopers into Cobb County, Ga., not to protect anyone's civil rights but to interfere with the administration of the courts of law in that great county of my district. He did this without consultation with and, I believe, over the objection of the United States district attorney for the Northern District of Georgia. He did it upon the insistence of the NAACP which had interfered in the defense of a Negro rapist who had twice been convicted of the offense and who was at the time of his last offense of the same sort serving a sentence for one of the previous assaults upon white women. Moreover, the accused had admitted a third such offense and was convicted and sentenced to death though represented by able counsel appointed by the court and later had his conviction affirmed by the Supreme Court of Georgia where he was represented by one of the ablest lawyers in the State employed by the NAACP.

And the snoopers who made the investigation did not confine themselves to an investigation but slyly made suggestions which the officers of the court took to be an attempt to prevent further prosecution of the Negro who, in the meantime, had been granted a new trial by the United States Supreme Court upon a trivial point of law.

It is perfectly apparent that you will pass this bill but when you do you are sowing the wind and those who come after, your descendants and mine, will reap the whirlwind.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Chairman, in order that the Congress may legislate wisely and effectively, we have certain rules of the House. We have rules which are written and we have rules that rest upon practice. For at least the last 20 years when a Member made an objection to a unanimous consent request, especially for the consideration of a bill, it has been understood, and the practice has been followed, that that bill would not be brought up again without the individual who made the objection being notified. On more than one occasion I have made objection to bills, and the majority leadership has assured me, and has followed that practice clear through to the end—that that legislation would not again be brought before the House until I had been given an opportunity to object, if my objection still remained.

Unless we have an observance of the rules of the House, unless we can trust one another and rely upon agreements made, conditions expressed, especially when made in the House, we will have trouble in the House in legislating wisely and constructively.

Let me call your attention now to what happened here recently.

When, on July 2, the Consent Calendar was called —CONGRESSIONAL RECORD, page 11604—the coastwise trade bill, H. R. 11122, was called. The gentleman from Iowa [Mr. CUNNINGHAM] said:

Mr. Speaker, I understand that this bill is programed to be called up under suspension of the rules. Therefore, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The same day, July 2—CONGRESSIONAL RECORD, page 11630—the gentleman from North Carolina [Mr. BONNER] moved to suspend the rules and pass the bill, H. R. 11122. The bill was debated—CONGRESSIONAL RECORD, pages 11630–11635—a vote was taken, and on a division, there were ayes 101, noes 90. The bill was not passed. The following then occurred:

Mr. BONNER. Mr. Speaker, as I stated before, I object to the vote on the ground that there is no quorum, but I am not going to ask for a rollcall vote now. I ask unanimous consent that further proceedings on this bill be postponed until Friday.

There was no objection.

On Friday, July 6—CONGRESSIONAL RECORD, page 11945—the following occurred:

COASTWISE TRADE

The SPEAKER. The unfinished business is on suspension of the rules and passage of the bill (H. R. 11122) to promote the development and rehabilitation of the coastwise trade, to encourage the construction of new vessels, and for other purposes, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. MARTIN. Mr. Speaker, I think the Members of the House would like an explanation as to what this suspension is.

The SPEAKER. This is a bill, the consideration of which was carried over from last Monday until today.

Mr. BONNER. Mr. Speaker, I ask unanimous consent to withdraw further consideration of this bill, as I have requested a rule from the Rules Committee.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. VAN ZANDT. Mr. Speaker, reserving the right to object, if the gentleman's request is granted, does that mean it may be called up at any time between now and the adjournment of Congress?

Mr. BONNER. No. I will bring it up under a rule.

Mr. CURTIS of Massachusetts. Mr. Speaker, reserving the right to object, is this the tanker bill?

The SPEAKER. It had something to do with that matter.

Mr. CURTIS of Massachusetts. We had two bills, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina can perhaps inform the gentleman.

Mr. BONNER. Mr. Speaker, this bill provided for the chartering of tankers from the reserve fleet.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman. I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Chairman, on July 16—CONGRESSIONAL RECORD, page 12888—Mr. GARMATZ, of the Committee on Merchant Marine and Fisheries, asked and received unanimous consent that the committee sit during general debate that afternoon.

July 16 the speaker announced that it was Consent Calendar day. The Clerk called the coastwise trade bill, H. R. 11122, and there being no objection, the committee amendments were adopted, the bill was ordered to be engrossed, was read a third time and passed, and a motion to reconsider was laid on the table—CONGRESSIONAL RECORD, page 12892.

Mr. BONNER. Mr. Chairman, would the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. BONNER. I did not ask unanimous consent to call the bill up. The bill was on the Consent Calendar. I was not on the floor.

Mr. HOFFMAN of Michigan. As to whether you were on the floor, I have no information. The bill was on the Consent Calendar. The Speaker ordered the Clerk to call the next bill. The Clerk called the next bill which was H. R. 11122. Why the bill was not stricken from the Consent Calendar, why it was called again, I do not know.

Mr. BONNER. I understood the gentleman to say that I asked unanimous consent.

Mr. HOFFMAN of Michigan. No. If I did, I was in error. The RECORD does not show the gentleman asked that the bill be called. The RECORD shows that the bill was called up on the Consent Calendar in the regular way after the gentleman said on July 6 he would bring it up under a rule.

Mr. BONNER. I was not on the floor. I was out of town and returned, when the Consent Calendar was being considered.

Mr. HOFFMAN of Michigan. That is enough of an explanation, if that is all the gentleman wants to say.

Also on July 16, at page 12916 there is the following:

Mr. ZELENKO. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 626, the bill (H. R. 11122) to promote the development and rehabilitation of the coastwise trade, to encourage the construction of new vessels, and for other purposes.

Mr. BONNER. I object, Mr. Speaker.

The gentleman was here that day. If he was out of town, he came back on the 16th the day the bill was called and passed. After it was passed he objected to a reconsideration—accepted the benefit of the what I consider improper action.

Still later the same day July 16—CONGRESSIONAL RECORD, page 12961—the following occurred:

COASTWISE TRADE

Mr. ZELENKO. Mr. Speaker, I ask unanimous consent that the House reconsider the action it took today in passing the bill (H. R. 11122) to promote the development and rehabilitation of the coastwise trade, to encourage the construction of new vessels, and for other purposes. That bill was No. 626 on the Consent Calendar called today.

Mr. ROBESON of Virginia. I object, Mr. Speaker.

The following day, July 17—CONGRESSIONAL RECORD page 13192—the gentleman from Pennsylvania [Mr. VAN ZANDT] was given permission to address the House for 1 minute and to revise and extend his remarks, which were as follows:

DEVELOPMENT AND REHABILITATION OF COASTWISE TRADE

(Mr. VAN ZANDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN ZANDT. Mr. Speaker, yesterday during the call of the Consent Calendar the bill, H. R. 11122, to promote the development and rehabilitation of the coastwise trade, to encourage the construction of new vessels, and for other purposes was approved.

While I knew that H. R. 11122 was on the Consent Calendar and while I did not have the opportunity to object to its consideration, based on a commitment I received from the gentleman from North Carolina [Mr. BONNER] on July 6 and recorded in the CONGRESSIONAL RECORD of that date, page 11945, it was my understanding the bill would not be called up on the Consent Calendar but under a rule which has been requested.

Let me read the colloquy which took place between Mr. BONNER and me as recorded on page 11945 of the CONGRESSIONAL RECORD of July 6, immediately after the Speaker had announced that the unfinished business at this time "is on suspension of the rules and passage of the bill, H. R. 11122."

My colleague from North Carolina [Mr. BONNER] said:

"I ask unanimous consent to withdraw further consideration of this bill as I have requested a rule from the Rules Committee."

The Speaker then said:

"Is there objection to the request of the gentleman from North Carolina?"

At this point I arose and said:

"Mr. Speaker, reserving the right to object, if the gentleman's request is granted, does that mean it may be called up at any time between now and the adjournment of Congress?"

Mr. BONNER replied:

"No; I will bring it up under a rule."

Mr. Speaker, I took my colleague of North Carolina [Mr. BONNER] at his word and I was amazed, as were many other Members of the House, when he objected to the request of the gentleman from New York [Mr. ZELENKO] on page 12916 of the CONGRESSIONAL RECORD when he requested reconsideration of H. R. 11122.

Mr. Speaker, the parliamentary situation here in the House is such that those of us who are opposed to the legislation have no alternative but to appeal to the Senate. In fact, such action has already been taken because, in our opinion, the legislation is an out and out giveaway of the taxpayers' money to a steamship company that the bill is tailored to favor.

On July 17, the gentleman from New York [Mr. ZELENKO] in the CONGRESSIONAL RECORD, extended his remarks protesting the passage of the coastwise trade bill H. R. 11122. His remarks read as follows:

H. R. 11122

(Extension of remarks of Hon. HERBERT ZELENKO, of New York, in the House of Representatives, Tuesday, July 17, 1956)

Mr. ZELENKO. Mr. Speaker, on July 16, there appeared on the Consent Calendar of the House, H. R. 11122, a bill dealing with the charter of tankers under certain conditions.

Had I been present when this bill was called up, I would have objected. I have vigorously opposed this bill at all times, in the Merchant Marine and Fisheries Committee and on the floor of the House.

It was my personal understanding, and that of many other Members, perhaps naively, that this measure would not be brought up at that time by its proponents.

On July 2, 1956, it first appeared on the Consent Calendar of the House. At that time, the following took place:

"The Clerk called the bill (H. R. 11122) to promote the development and rehabilitation of the coastwise trade, to encourage the construction of new vessels, and for other purposes.

"Mr. CUNNINGHAM. Mr. Speaker, I understand that this bill is programed to be called up under suspension of the rules. Therefore, I ask unanimous consent that it be passed over without prejudice.

"The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

"There was no objection."

Later, on the same day, under suspension, debate was had on the bill. At that time it was opposed not only by myself but by the gentleman from Pennsylvania [Mr. VAN ZANDT], who had demanded a second under the suspension of rules. Other Members also indicated their opposition. At the conclusion of the debate, on a division, a vote was taken. The ayes were 101 and the noes 90. It appeared from the vote that the measure was defeated under the suspension of rules. At this point, the gentleman from North Carolina [Mr. BONNER], the proponent of the bill, objected on the ground that there was no quorum and asked unanimous consent that further proceedings on the bill be postponed until Friday, July 6. On page 11635 of the July 2 CONGRESSIONAL RECORD, his verbatim statement appears as follows:

"Mr. BONNER. Mr. Speaker, as I stated before, I objected to the vote on the ground that there is no quorum, but I am not going to ask for a rollcall vote now. I ask unanimous consent that further proceedings on this bill be postponed until Friday.

"The SPEAKER. Is there objection?

"There was no objection."

On July 6, 1956, the bill was called up again and the following took place, and I quote:

"The SPEAKER. The unfinished business is on suspension of the rules and passage of the bill (H. R. 11122) to promote the development and rehabilitation of the coastwise trade, to encourage the construction of new vessels, and for other purposes, which the Clerk will report by title.

"The Clerk read the title of the bill.

"Mr. MARTIN. Mr. Speaker, I think the Members of the House would like an explanation as to what this suspension is.

"The SPEAKER. This is a bill, the consideration of which was carried over from last Monday until today.

"Mr. BONNER. Mr. Speaker, I ask unanimous consent to withdraw further consideration of this bill, as I have requested a rule from the Rules Committee.

"The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

"Mr. VAN ZANDT. Mr. Speaker, reserving the right to object, if the gentleman's request is granted, does that mean it may be called up at any time between now and the adjournment of Congress?

"Mr. BONNER. No. I will bring it up under a rule."

Many Members of the House, including myself, relying upon the foregoing statement of the gentleman from North Carolina [Mr. BONNER], the chairman of the Merchant Marine and Fisheries Committee, the author of the bill, assumed, and I believe correctly, that this bill would not be brought out again unless it was done so under a rule.

It appeared clear to me that the bill had been withdrawn for all purposes and consideration from the floor of the House and would not reappear unless a rule was obtained.

On July 9 and 10, the Rules Committee held protracted hearings on this bill and, as of today, no rule has yet been obtained, and to all intents and purposes the matter is still before the Rules Committee.

Yesterday, July 16, 1956, the bill again appeared on the Consent Calendar and was passed. The House convened at 12 noon. The passage of this bill took place sometime before 12:20 p. m.

My absence from the floor at the convening of the House yesterday was due to the following facts. At 10 a. m., an open meeting of the Merchant Marine and Fisheries Committee, of which the gentleman from North Carolina [Mr. BONNER] is chairman, was held for the resumption of labor hearings held in Los Angeles and Long Beach, Calif. The witnesses appearing before the committee were Paul St. Sure, president of the Pacific Maritime Association; Harry Bridges, president, International Longshoremen and Warehousemen's Union; and Ben McDonald, Local 13, ILWU, San Pedro, Calif.

I arrived at the committee room at about 10:30 a. m. In the absence of the chairman, the gentleman from North Carolina [Mr. BONNER], and in the absence of the next ranking majority member, the gentleman from Alabama [Mr. BOYKIN], the meeting was being conducted by the acting chairman, the gentleman from Maryland [Mr. GARMATZ]. The committee was in session until just before noon.

I left the committee hearing several minutes before its recess. At no time during my attendance there was the chairman of the committee, the gentleman from North Carolina [Mr. BONNER], nor the ranking majority member, the gentleman from Alabama [Mr. BOYKIN], present. Thereupon, I went to a meeting of a large group of Members to discuss the civil-rights bill, which was to be brought up on the floor.

The foregoing statement of my official congressional activities yesterday morning contains the reasons for my failing to be present at the opening of the House.

Sometime between 12:15 and 12:20 p. m., I entered the House Chamber and walked over to the committee table where I sat down next to the chairman of the Merchant Marine and Fisheries Committee, the gentleman from North Carolina, who was already there. Upon inquiry, he informed me that H. R. 11122 had been passed.

Thereafter, in order to indicate my further opposition to the measure, I requested unanimous consent to return H. R. 11122 to the floor for immedate consideration. The sole objection was made by the chairman of the Merchant Marine and Fisheries Committee, the gentleman from North Carolina [Mr. BONNER], the author of the bill. The following is a verbatim extract from the House RECORD, page 12916:

"Mr. ZELENKO. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 626, the bill (H. R. 11122), to promote the development and rehabilitation of the coastwise

trade, to encourage the construction of new vessels, and for other purposes.

"Mr. BONNER. I object, Mr. Speaker."

Several hours later, almost at the conclusion of the session, I renewed the request. Objection was then made by the gentleman from Virginia [Mr. ROBESON]. The gentleman from North Carolina [Mr. BONNER], the author of the bill, was present in the House at the time and sitting alongside the gentleman from Virginia, who made the objection.

In conclusion, I direct your attention to the title page of Cannon's Procedure in the House of Representatives, House Document 562. On the lower portion of the page appears the following quotation:

"BASSANIO. And I beseech you wrest once the law to your authority; to do a great right, do a little wrong.

"PORTIA. It must not be; * * * 'twill be recorded for a precedent, and many an error by the same example will rush into the state."

Mr. Chairman, the point is this, unless we are to go along with the rules, practices, and customs of the House, unless the procedure of the House which enables us to deal with each other from hour to hour and day to day without watching each other every minute of the day are observed, unless those rules are followed especially in the closing days of a session we cannot legislate intelligently. It will be my purpose to object to every unanimous consent request if that course be the only one which will give members an opportunity to know what transpires. Perhaps there are some others on the floor who intend to bring about orderly procedure.

Later I intend to ask for unanimous consent to reconsider H. R. 11122. And if objection is made, then an effort will be made to exercise my right in the House to object to unanimous consent requests if that procedure will bring correct procedure. I know that is rather drastic procedure, it is unpleasant procedure, but I contend that our rules must be followed if we are to do business in an orderly constructive manner. If relief cannot be obtained in that way objection will not be made for I have no desire to delay legislation.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman.

Mr. VAN ZANDT. I think I should add this point: that the House considered the bill under suspension, and was about ready to vote on it when the Speaker asked if I would cooperate by not asking for a rollcall vote.

Mr. HOFFMAN of Michigan. It was defeated under suspension.

Mr. VAN ZANDT. I am talking about a rollcall vote. It is true the bill was defeated on a division or standing vote, but, anticipating a rollcall vote, the Speaker asked if I would cooperate by agreeing to a unanimous-consent request that the vote be held over and made the first order of business the following Friday. The basis of the request, according to the Speaker, was that he had committed himself to the gentleman from Virginia [Mr. SMITH], the chairman of the Rules Committee, to call up a rule. In cooperation with the Speaker, and with the understanding we would have a record vote on Friday as the first order of business, I agreed to the unanimous-consent request, or rather, I did not object to it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. I was one of those who opposed the bill actively on the floor of the House, this tanker bill. It was my understanding that the bill would be brought up under a rule; that, if it was brought out again, it would be brought out under a rule. I join with the gentleman in resenting the tactics that were employed to get this bill through.

Mr. HOFFMAN of Michigan. I want to say this: As far as I am concerned, I have no personal interest in the bill, the ships or the railroads, neither one of them. It does not make any difference to me personally whether the bill is passed or defeated. All I am asking is that we follow the old, established sound procedure of the House, so that if a Member of the House has a valid objection to the consideration of a unanimous-consent request to take up and pass a certain bill, and he makes it, he is not required to sit here and watch every other Member of the House and see whether it is to be brought up again. That is all I am asking. I hope you will read the statement in the RECORD tomorrow so you get the facts clear. I do not want to do the gentleman from North Carolina [Mr. BONNER] any injustice, but I cannot go along with the procedure that was followed in this instance. It deprived Members, without fault, of their right to oppose the bill.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. I wish to correct the statement the gentleman from Michigan made. I know he made it in good faith. On July 2 the bill was called up on the Consent Calendar. It was not objected to.

Mr. HOFFMAN of Michigan. That is right. The gentleman from Iowa [Mr. CUNNINGHAM] said—and I quote—CONGRESSIONAL RECORD, page 11604:

Mr. Speaker, I understand that this bill is programed to be called up under suspension of the rules. Therefore, I ask unanimous consent that it be passed over without prejudice.

There was no objection.

Mr. CUNNINGHAM. As I understand, there was no one to ask to have it passed over.

Mr. HOFFMAN of Michigan. That is right. There was no reason why anyone should anticipate that it would be on the Consent Calendar—would be considered again—except under suspension or later under a rule after it was defeated when brought up under suspension and it was announced that it would come up under a rule.

Mr. CUNNINGHAM. It was passed. In further explanation, may I say as a member of the Consent Calendar objectors' committee that we have talked this over since there has been some criticism of what happened on Monday of this week. There was nothing in the bill or in the report concerning the bill that made it objectionable to the Consent Calendar objectors' committee; in other words, it violated no rule of the Consent Calendar objectors' committee. However, I believe it was incumbent upon those interested in having the bill defeated or not having it passed by unanimous consent to advise the members of the Consent Calendar objectors' committee that they wished to have it passed over without prejudice again. Why no one asked the Consent Calendar objectors' committee to do that, I do not know.

Mr. HOFFMAN of Michigan. I can give the gentleman my opinion on that. I have not been told, but I assume that those who objected to the bill relied upon the statement it was coming up under suspension. When the adverse vote was taken and it was announced that a rule would be obtained and that under the established practice of the House it would be brought up in that manner those opposed to the bill relied upon the record as made. Opponents were waiting for the rule to appear.

Mr. VAN ZANDT. If the gentlemen will yield further, I want it understood that my understanding with the Speaker and with the gentleman from North Carolina [Mr. BONNER] was that the bill would be called up under a rule.

Mr. HOFFMAN of Michigan. I expect to strike what I have said here, except as I have yielded, and insert the record as it occurred, so there will be no misunderstanding about what it is, inserting, of course, what the gentleman from North Carolina [Mr. BONNER] said.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. CURTIS of Missouri. I want to ask the gentleman from Iowa a question. I would imagine no bill would be on the Consent Calendar that had that previous legislative history. Am I right? Or why would it be on there?

Mr. CUNNINGHAM. I do not understand, myself, why the bill remained on the Consent Calendar, the rule having been denied.

Mr. RICHARDS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RICHARDS. Mr. Chairman, during the consideration of this measure, a great deal has been said in general debate about the necessity for this Congress to assure the American people and the people of the world in its fight against communism that we, too, are doing something for civil liberties. If we are going to fight communism through the proposals of this bill, it might be well for us to refresh our memory for just a moment as to what communism is and how it has gotten the power over the people of the world that it has and has throttled all civil liberties. Should we not remember when we hear these arguments for a Civil Rights Commission that communism accomplished

its aims through many similar instrumentalities? Lenin and Trotsky and Marx and their fellows taught that to get freedom for the people it was necessary to take drastic action even to the extent of having a dictatorship of the proletariat. Russia has had such a dictatorship for 35 years and the people of Russia are slaves today as are her satellites. If we do not take care here, we are going to hammer a nail in the coffin to bury the liberties and freedoms of the American people through this monstrous measure. People come here and say, "We want to preserve the liberties mentioned in the Constitution through this bill. I reply with Madame Roland, "Oh, liberty, how many crimes are committed in thy name." Always, those who seek to nullify the checks and protections of the Constitution, attempt it by the flank attack. They do not dare make a frontal attack on the freedoms guaranteed in this great document.

The Founding Fathers knew that this day would come. Those men were students of the history of mankind and the efforts of man to establish a better form of government and secure a greater degree of freedom for the people. They knew it was inevitable, sooner or later, that misdirected efforts of individuals or groups would move to circumvent the original purposes of the Constitution and seek to destroy its basic tenets. Therefore they charted the course whereby the Constitution might be amended. It is almost impolite to mention in our efforts to improve, that we should follow the rules in amending the Constitution these days. It has become an old-fashioned idea and they do not do that any more. It is too slow. They want revolution in thinking and they want revolutionary procedure. They do not want the slowness of evolution. These people have no patience with the tedious process of amending the Constitution to meet new problems in our great country. It was decided that it would be better to tamper with the judiciary and appoint as Judges those who have the philosophy of those who propose these measures. Now that has turned out to be too slow. There was once a generally accepted principle of constitutional law that aggrieved parties in the field of civil liberties, must exhaust remedies in the State courts before appealing to the United States court for protection. They find now that that principle of law is a hindrance.

So those who seek to bypass the Constitution have resorted to the bill before us.

You can call it committee, gestapo, or anything you want to call it. It has many of the elements that Hitler used in his rise to power. Many of the elements that communism is using now. Yes; it is out of fashion to amend the Constitution, or even mention the Constitution, unless you want to hide behind it or subvert it.

Let us go back a little further. What about the Declaration of Independence that the gentleman from Massachusetts made such an eloquent reference to yesterday. It seems to be forgotten that one of the chief complaints of the subscribers thereof against George the Third was:

> He has erected a multitude of new offices and sent hither swarms of officers to harass our people.

That was in the Declaration of Independence. The Commission proposed here is just another harassing body. This is nothing in the world but a harassing expedition. It is intended to deprive the people of the States of their rights and liberty and the State governments of the authority guaranteed to them by the Constitution.

The proponents of this measure do not want to deal with 48 sovereign States. They seek to concentrate all power in Washington and then concentrate their attack here against whatever ramparts of our liberty are still left.

There is another thing about these people who want to subvert the Constitution, want to destroy States' rights. They do it with the beguiling smile. Take my friend from New York, the distinguished gentleman from Rochester [Mr. KEATING] and my friend from the great State of New York [Mr. CELLER], the two navigators of this bill.

Many compliments have been paid those two gentlemen for their politeness here. They are great lawyers. They have been very suave and tolerant in the handling of this bill. So is the spider who weaves his web.

I read not long ago in a book of old England a story about the chief executioner. It was about the time King Charles I's head was cut off. The author said of the executioner: "He was an expert in his field. He was a man of gentle mien and performed his ghastly duties with a smile." We see here history repeat itself.

I say to you, Mr. Chairman, this is a very serious matter. If this bill is enacted into law, it is the beginning of the end of American liberty as we have known it. You remember in the great play, Romeo and Juliet that Romeo replied to Friar Laurence, when he was promised certain sweet words of comfort: "Thou cuttest my head off with a golden axe, and smil'st upon the stroke that murdereth me." You, gentlemen, smile in your advocacy of this bill.

The day will come when you will regret it. It is the South you are striking at. But just as sure as you sit here today other sections of the country, sooner or later, will feel the venom of this adder. The day will come, and then the the people of the North, the South, and the West are going to rise up. You will not hear so much about Republicans and Democrats. You will hear about the United States Party and those who are trying to destroy it.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. RICHARDS] has expired.

Mr. RICHARDS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection?

Mr. JACKSON. Reserving the right to object, Mr. Chairman, and I shall not object, of course, I think eventually sometime today we are going to reach the point where important amendments which have been given a great deal of consideration will not have time to be considered. The authors are going to find themselves with about 30 seconds to explain the amendments.

I shall, of course, not object to the gentleman's continuing, but I will object from this point on to any requests for extension of time.

Mr. RICHARDS. I understand that, and I will try not to intrude on the time of the House.

In closing I want to say that this measure is directed at the South, against my people and against my State.

May I say here today to the people of the United States through this assembly that much has been said about imperfections in the field of human relations and civil rights in the South; you talk about discrimination against race, color, creed, and national origins. I have been all over the United States and in a great many parts of the world and I want to tell you that so far as race problems of the South are concerned there is more real love, more real respect, more real desire to help, more admiration for the achievements of the great colored race there than you will find anywhere else in the country.

As for religious intolerance and political discrimination in the South, I only need mention one exhibit to my friend the gentleman from New York [Mr. CELLER]. I refer to a personal friend, Sol Blatt, a great South Carolinian of the Jewish faith, a member of the House of Representatives of South Carolina, and for 18 years the honored and revered speaker of that body. He is one of only 2 or 3 members of the Jewish faith in that body. His parents came to South Carolina as immigrants. But our people have recognized his merit as a citizen. I doubt that it would have happened here. It is typical of South Carolina. Yes, we do have some rabble rousers and bigots in South Carolina, but I dare say that you have a greater number in proportion to population in Rochester and New York City.

Give us our due.

Mr. CURTIS of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to explain my position and also to ask some questions. I have tried to follow this debate very carefully both in the RECORD and as far as I could on the floor. I might state that one of my two fundamental pillars of belief in governmental matters is civil rights, and I think my voting record will bear that out.

It has been said that more crimes have been committed in the name of religion than in any other cause. The term "civil rights" is one that should not be taken in vain, and for that reason I am very much disturbed at the manner in which this bill is drawn. I want to vote for this bill—I said "I want to." But I am not going to vote for it unless it is amended in certain respects. But I am very much disturbed by a group who say primarily they are interested in civil rights but come out with a bill of this nature that ignores these issues of civil rights to the extent it does.

Let me say further that some of the arguments advanced by my Southern

friends are certainly based on good solid observation, in my judgment, although I might say I am fundamentally in disagreement with them on other aspects of this problem and I certainly think the South has not done a good job in living up to this question of fundamental civil rights.

In the matter of the creation of this commission I know the chairman of the committee was asked a series of questions as to whether or not the rules of procedure we have adopted in regard to our congressional investigatory committees were considered and whether or not those amendments to achieve the same purpose for this executive commission would be accepted, and I was completely dissatisfied with the answer, because the answer to those southerners who suggested the amendments was merely a question: "Well, were you for those amendments to the rules of congressional committees,"

I want to say I have been strongly in favor of remedying the procedure of congressional committees. I am very disturbed at that answer because I think the fundamental thing is, Are you going to have civil rights abridged by this procedure of setting up a Presidential commission over which there are no guidelines?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from New York.

Mr. CELLER. I do not know what these rules are that will be made applicable by virtue of any amendment. I would like to see them.

Mr. CURTIS of Missouri. It was the duty of this committee concerned with civil rights to have gone into that aspect of the matter and to have written such provision themselves, not by having an amendment offered on the floor of the House, which amendment might or might not be good. There are things we have been through time and time again; for instance, the use of television at committee hearings. There is a rule in the bill that a subcommittee of the commission shall consist of 2 or more members. That is a concession against these 1-man hearings. But that is the only procedural rule set out in this bill.

Mr. CELLER. Of course, the gentleman is aware of the fact all of the committees we have set up, like the one that is set up here in the instant bill, have in fact had rules as such.

Mr. CURTIS of Missouri. I may say to the gentleman most of those commissions have not had the right of subpena. Certainly those commissions have not had that privilege.

Mr. CELLER. The gentleman is in error. A good many of them have the right of subpena.

Mr. CURTIS of Missouri. But many of them do not, anyway. The main thing is that those executive commissions were not set up to investigate the personal action of individuals, they were not set up in such a way that would bring about condemnation for the commission of a crime or attack the reputation of individuals. The very matters and material this commission will go into will affect the reputation of individual persons among their fellowmen.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Texas.

Mr. DIES. If the gentleman will be patient, I shall offer the fair rules of procedure introduced by the gentleman from New York [Mr. CELLER] and numerous Members of the House and Senate, and approved by all liberal organizations of America. I am going to offer them and give everybody a chance to go on record.

Mr. CURTIS of Missouri. I appreciate that, but I think the gentleman has said he would vote against the bill even if the House would adopt it. I would vote for the bill if the House would adopt it. The accusation of politics seems to have some merit when this committee came out without considering these rules of procedure in a bill to be presented to the House. That is what I am disturbed about. I do not believe the proper way to put that sort of serious material in a bill is through amendment on the floor of the House. The proper place is in the committee itself and if the committee had been properly observant in trying to bring out a good bill on civil rights it would have gone into the civil rights aspects of the governmental procedures it was setting up and presented them to the House in the bill.

Mr. YATES. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the gentleman from South Carolina [Mr. RICHARDS] is my very good friend. He is one of the outstanding Members of this body, and I have the utmost admiration and respect for his ability and for his judgment. I can understand the reasons which impelled him to make his speech and he was quite persuasive. Not persuasive enough, however, for his reasoning is based upon erroneous assumptions.

The gentleman from South Carolina declared that this was a bill against the people and against his home. In that the gentleman errs, because those of us who favor this bill have no antagonism toward his people or toward any section of the country. We are not vindictive, nor do we intend to wreak any vengeance against his people, against his home or against the South. This is not a destructive bill. This is a constructive bill, a bill which proposes to grant freedom to people and not to destroy them. This is a bill to give all the people of this country their birthright under the Constitution of the United States.

The gentleman from South Carolina is the able chairman of the Committee on Foreign Affairs. I am sure he remembers well the resolution that the Congress passed last year, the so-called McCormack resolution, which expressed the sense of the Congress to be that the United States should administer its foreign policy programs to support other peoples in their effort to achieve self-determination. That was a good bill. It placed the United States on the side of freedom, on the side of those who favor the right of peoples everywhere to govern themselves.

This bill applies the same principles to our own country. It gives the right of self-determination—the right to participate in the workings of our democracy to many people who are now disenfranchised for no other reason than their race.

This is the 20th century. The peoples of the world are on the move. The paternalism of the white man's burden policy is being stamped out in the surge for freedom of formerly dominated peoples. The traditions and ideals of the United States favor such expressions of democratic self-determination in other countries. We can do no less at home.

I should now like to turn to the amendment presented by the gentleman from Lousiana [Mr. WILLIS]. As I understand it, he proposes to retain the Commission with three changes: Delete the subpena power, delete the compensation and make sure that the Commission consults with governors and other officers of the States.

Directing myself first to the subpena power, let me say that during the debate the impression has been given that this is an unusual power; it is a tremendous power; that it is a power that even the Committee on the Judiciary does not possess. Well, this morning I did some research. I went through the legislation which created certain other commissions and discovered that the subpena power has been given in many instances. Every regulatory agency of our Government has the power to issue subpenas. The Federal Power Commission, the Interstate Commerce Commission, and the others. It has been given, too, to investigating commissions. In 1941, in Public Law 370 of the 77th Congress, the Congress gave the President the right to appoint a commission to conduct an investigation in connection with the attack on Hawaii. It gave that commission the subpena power.

Listen to this. In the 79th Congress, in Public Law 711, in an act to provide for investigating the matter of establishing a national park in an old part of the city of Philadelphia, we find that for the purpose of conserving historic bases and buildings therein Congress granted to the commission the right to subpena, including the power to subpena books and documents. If the Congress gave to the Philadelphia National Shrines Park Commission the right of subpena, why should not a commission to investigate the civil rights of the people of our country also be given that right? Are its purposes less important, less beneficent?

The gentleman from Louisiana says, too, that there should be no compensation paid to the voluntary organizations that might offer their services to the commission. There is no compensation paid under this bill. Section (b) provides only for paying necessary traveling and subsistence expenses. What can be fairer than that? There is no other compensation provided for under the bill.

As a matter of fact, the organizations the gentleman seeks to keep away from the commission are the very organizations that the commission should consult. They are the groups which have fought for civil rights over the last several decades and have contributed greatly to the progress we have made.

Organizations like the American Civil Liberties Union and the NAACP have acted as private atorneys general, if you please, in obtaining redress for the people who have been deprived of their civil rights.

The gentleman says, too, that the commission should consult with the governors and the chief officers of the various States. That is provided for in this legislation. It says that the commission may constitute such advisory committees and may consult with such representatives of State governments and private organizations as it deems advisable. This amendment should be voted down.

Mr. RAINS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RAINS. Mr. Chairman, the pending legislation, H. R. 627, misnamed an omnibus civil-rights bill, is politically conceived, and is a dagger in the heart of the rights of the States of the Union. This bill, the brainchild of a politically minded United States Attorney General, is in reality a sinister invasion of the rights guaranteed to the people of this Nation, under the Constitution. Though, piously dedicated to the protection of minorities, it will be, if enacted into law, a shackle on the rights of the individual. This bill smacks of a Federal gestapo.

First, the bill sets up a Commission on Civil Rights in the executive branch of the Government—the members of the Commission not elected officials, not judicial officers, but appointed by the President, with wide and dangerous authority, to run down and investigate rumors and allegations that certain citizens of the United States are being, or may be deprived of their rights to vote; or that they are being sujected to unwarranted economic pressures by reason of their color, race, religion, or national origin. This bill would give jurisdiction over the right of suffrage, to this Commission of appointed officers of the executive branch of the Government. Can it be seriously maintained that the Constitution of the United States gives unlimited jurisdiction and power to the Federal Government as to the voting rights and privileges of the citizens of the various States? If this is true, which I am convinced beyond peradventure of a doubt that it is not, that the Federal Government has jurisdiction of suffrage in the various States, then can this Congress, in whom is vested the fundamental responsibilities of investigation, legally, lawfully, or sensibly delegate that authority to the executive branch?

And, Mr. Chairman, this hydraheaded Commission, set up by this bill, is authorized to investigate allegations and rumors of economic pressures, alleged or rumored to have been exerted upon a person because of his color, race, religion, or national origin. This is a field which has from the beginning of the Constitution, been reserved to the individual States. In fact, this legislation would mean the final culmination of a well-laid plan inspired by cheap politics to totally and completely destroy the time-honored and historic concept of the rights of the States.

As I studied the bill, the hearings and the committee reports, I was fearfully fascinated by the term "economic pressure." What does it mean? What could it mean in terms of a definition promulgated by the long-haired, fuzzy thinking of a President-appointed committee?

And then, Mr. Chairman, the frightening thought of a commission to snoop and investigate and browbeat the people of this country with no other restraint save their own definition of what constitutes economic pressures. Armed, as this commission would be, with the right of subpena makes me despair of what may be next in this never-ending, daily unfolding scheme to invade the powers, rights, and responsibilities of the States of the Union. Under this Commission there naturally would be established hundreds of Federal inquisitors, dragging the people from the various States before the Commission in Washington, or its appointed place of meeting, threatening boards of registrars, election officials and the officers of our county and State governments. The right of subpena is given to only three committees in the Congress—committees that are manned by men and women who have been elected by the voters of sovereign States. Here we are about to give this same power to the Executive, to members of a commission who will be dedicated to a theory that it is their duty to invade the provinces of the officials in the various States, and to intimidate all those with whom they happen to disagree politically.

I do not know how the people of the other congressional districts of the United States feel, but I do know that in my own, there will be bitter, determined, and burning resentment at snooping Federal agents sticking their noses—yes, subpenas and their threats—into local elections.

The third section of this bill seeks to amend the criminal conspiracy statutes. These statutes are now limited and have been since the beginning of our country, to private actions for damages. Under this bill the right of action would become the prerogative of the Attorney General. It clothes him with authority to enter into a field which has been formerly reserved for private persons in the States. And the amazing assertion is made in the bill that the Attorney General could take action against someone who is about to engage in any act or practice which would give rise to a cause or action under the bill. Are we willing as responsible Members of this great legislative body to break down the constitutional concept so long the protection of the individual, and set up offenses criminal in nature to be determined before it ever happened, by the Attorney General of the United States? Under this provision it would be possible, in a country where we have always prided ourselves on the freedom of thought, to punish a man for a political opinion—and in whose hands would the decision rest? In the hands of a politically minded, partisan Attorney General.

To my mind, as a lawyer, and as a legislator, the implications in this section are terrifying, and I cannot believe that, no matter how great the political urge may be on Members of this Congress, they will ever agree to place into the hands of any Attorney General a weapon so dangerous and so designed with which to blot out the freedoms which are guaranteed to our people under the Constitution.

If the American people knew, individually, what this bill proposes, that it threatens and endangers the rights of all people, this legislation would not be here for debate in this Chamber today. It is sold under the guise that it is to protect a downtrodden race. Nothing could be further from the truth. It is promoted by the overweening ambition of an administration, playing for political advantage. If it is enacted, it will solve no problem, and will divide, confuse, disgust, and frustrate the people of this country, in all sections of the land.

I have been disappointed and somewhat alarmed at the division which this bill creates here among the Members of Congress. It is clear to me that the climate in which this bill is presented, the motives which present it, and the means hoped to be attained, are pure, plain, selfish politics. In my judgment, at this rather turbulent hour in the life of this Nation, it is no time to pour fuel on a smoldering fire. We do not help an already threatening situation by inflammatory legislation. We are wasting a whole week of the Congress, in the closing days of the session, when we need to be engaged in other important legislation, on a bill which even the most rabid proponent of this legislation knows has no hope of enactment in this session of Congress, and why—simply because it is a political election year, playing to the prejudices of minorities in the hope of political gain. The same spirit which prompts and actuates this legislation, killed the aid to school construction bill. The schoolchildren of America were the pawn in that political chess game. In my humble judgment, neither political party won any political advantage, and the children of the members of all political parties suffer, as a result. The same thing is true in this legislation; it would set up a Federal bureaucracy to send investigators across the land like an army of locusts, but in the long run all it will accomplish is more turbulence in a turbulent era.

While I make no claim or pretense to statesmanship, it has always been my belief that legislation enacted by this Congress should be devoted to the commonweal, and not to a planned campaign of the violation of the rights of the people of this country. I sometimes wonder if my colleagues, who are so fervent in their support of this bill, ever stop to remember that other people, other than those who may belong to some minority group because of their race, color, or creed, also have civil rights, which should be protected, and in my humble judgment, this legislation, if enacted into law, would be a clear-cut violation of the rights of the great majority of the American people.

Enact this bill into law, and no man anywhere in America can sleep easy, free, and secure from the danger of Federal compulsion by an army of informers, feeding threatening, fantastic rumors. Do-gooders and anxious informers will be delving into every community and hamlet on our country—seeking, hunting, stirring up trouble.

There is today statute after statute for the protection of the civil rights of each individual in this country. Adequate remedies already exist. But no, we are called upon, and how Democrats can respond to this call of a partisan Republican Attorney General is more than I know, to arm him with extraordinary powers, powers which are not needed, and which pose to every citizen of our country, a dangerous threat to their freedom.

I am well aware that no matter how logical my argument, or how well marshaled are the facts, no matter though I presented unanswerable legal authorities, as my distinguished colleague the gentleman from Louisiana [Mr. WILLIS] did on Tuesday, there are those in this Chamber today who refuse to be enlightened, informed, or persuaded. Will right and reason go out the window, and passion and political partisanship prevail? I hope not.

I hope that the House of Representatives will maintain its great record for sound, sensible legislative action, by giving this bill a resounding defeat.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have sat through practically all of the debate on this bill, and I have been intrigued and impressed by the fine debates on constitutional law. I think the one given the other day by the gentleman from Louisiana [Mr. WILLIS] was one of the best I ever heard.

I am somewhat disturbed, however, my colleagues, that we have spent all the time that we have in this debate, days of it, on the question of civil liberties. I can point out to this House where constitutional rights and liberties are being deprived and have been deprived for some time. But, on other occasions we have had from 5 to 15 to 20 minutes to discuss it and we have been unable to get a bill on the floor of this House to defend the constitutional rights of those who are not considered in this bill on civil rights. The constitution provides that the Congress shall make rules for the government and regulation of the land and naval forces of our country. There is a lot that has been taken away from this country by international treaty.

Of course, I refer to the NATO Agreements and the Status of Forces Agreements which are depriving American men in uniform in the service of their country from the protection of the Constitution. I hope that when this question comes before this body again we may be able to get the support of some of these fine constitutional lawyers who have debated this bill, so that we may some day present wholly and fully to this House the question of the deprivation of those constitutional rights of American men in uniform who are serving in foreign countries, where they are now being tried in foreign courts and imprisoned in foreign jails.

Just the other day there came a report from Japan that American servicemen had been subjected to double jeopardy. We have cases where men are held to be guilty and have to prove their innocence. We have cases where confessions taken under duress may be used as competent evidence against them. I could cite instance after instance where civil rights and constitutional rights of American men following our flag are being deprived. But we have not been able to get this kind of support on the floor of this House, nor have we been able to get a bill that could be fully debated in this House on that subject, so that the House could work its will on it and determine whether or not our men should be protected in their rights when they are serving our country abroad.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman.

Mr. RIVERS. I should like to say to the gentleman that I shall support his bill when he gets one brought up. I know of cases equally as bad as those recited by the gentleman and if there is any way on earth to get a bill before the House that will do what the gentleman is suggesting, I shall support it. I think the gentleman is completely right, and to the limited extent of my capacity I shall help him in his objective. I say again, the gentleman is 100 percent right.

Mr. BOW. Mr. Chairman, I thank the gentleman. I hope some day we will be able to protect the rights of these men who are now protecting us in foreign countries.

Mr. GARY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, this debate has brought out certain facts regarding this so-called civil-rights bill which are absolutely appalling. It has been proved, beyond all doubt, that this bill does not protect the civil rights of our people. On the other hand, it does violence to long-established legal procedures set up to guarantee the rights of our citizens.

The bill would allow a politically motivated Attorney General to send snoopers throughout the length and breadth of the land to spy upon our people and to bring citizens before the Federal courts on nothing more than a suspicion that they will in the future engage in plans which might deprive another citizen of his rights. It is an attempt to look into the minds of free citizens. Good reputations of honest and law-abiding people could be besmirched for purely partisan reasons.

The bill would create more wrongs than it would protect rights. It is misnamed. It is not a civil-rights bill. It is in fact a civil-wrongs bill.

Mr. SIKES. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, many sound arguments have been advanced against the civil rights measure now under consideration. I shall review some of them. Let us take the Commission on Civil Rights.

The subpena power to be vested in this Commission would constitute a threat to the liberty and privacy of every citizen who challenges the extravagant claims of minority pressure groups. The subject matter to be investigated is so broadly defined as to touch almost every aspect of personal, social and business relations. Witnesses could be summoned to testify at any time anywhere in the United States, no matter how far distant from their homes. No provision is made for reimbursing witnesses for expenses or loss of time occasioned by obedience to a subpena.

Let me quote from *Cudahy Packing Co.* v. *Holland* ((1942) 315 U. S. 357, 363), in which Mr. Chief Justice Stone said:

> It is a power capable of oppressive use, especially when it may be indiscriminately delegated and the subpena is not returnable before a judicial officer. Under the present act, the subpena may, as in this case, be used to compel production at a distant place of practically all of the books and records of a manufacturing business, covering considerable periods of time. True, there can be no penalty incurred for contempt before there is a judicial order of enforcement. But the subpena is in form an official command, and even though improvidently issued it has some coercive tendency, either because of ignorance of their rights on the part of those whom it purports to command or their natural respect for what appears to be an official command, or because of their reluctance to test the subpena's validity by litigation.

In the same vein, in *Harriman* v. *Interstate Commerce Commission* ((1908) 211 U. S. 407, 417–420), Mr. Justice Holmes stated:

> The legislation that the Commission may recommend embraces, according to the arguments before us, anything and everything that may be conceived to be within the power of Congress to regulate, if it relates to commerce with foreign nations or among the several States. And the result of the arguments is that whatever might influence the mind of the Commission in its recommendations is a subject upon which it may summon witnesses before it and require them to disclose any facts, no matter how private, no matter what their tendency to disgrace the person whose attendance has been compelled. If we qualify the statement and say only, legitimately influence the mind of the Commission in the opinion of the court called in aid, still it will be seen that the power, if it exists, is unparalleled in its vague extent. Its territorial sweep also should be noticed. By § 12 of the act of 1887, the Commission has authority to require the attendance of witnesses "from any place in the United States, at any designated place of hearing." No such unlimited command over the liberty of all citizens ever was given, so far as we know, in constitutional times, to any commission or court.
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> * * * the purposes of the act for which the Commission may exact evidence embrace only complaints for violation of the act, and investigations by the Commission upon matters that might have been made the object of complaint * * *. These in our opinion are the purposes referred to; in other words the power to require testimony is limited, as it usually is in English-speaking countries at least, to the only cases where the sacrifice of privacy is necessary—those where the investigations concern a specific breach of the law.

Then *In re Pacific Railway Commission* ((1887) 32 Fed. 241, 263), Circuit Judge Sawyer, concurring:

A general, roving, offensive, inquisitorial, compulsory investigation, conducted by a Commission without any allegations, upon no fixed principles, and governed by no rules of law, or of evidence, and no restrictions except its own will, or caprice, is unknown to our Constitution and laws; and such an inquisition would be destructive of the rights of the citizen, and an intolerable tyranny. Let the power once be established, and there is no knowing where the practice under it would end.

I believe it undeniably true that the investigating authority which H. R. 627 would vest in the Commission exceeds that which Congress has power to confer.

Now let me quote from *Quinn* v. *United States* ((1955) 349 U. S. 155, 161), per Mr. Chief Justice Warren:

But the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which Congress is forbidden to legislate.

I find also in the case of *Jones* v. *Securities & Exchange Commission* ((1936) 298 U. S. 1, 25–26), per Mr. Justice Sutherland:

An official inquisition to compel disclosures of fact is not an end, but a means to an end; and it is a mere truism to say that the end must be a legitimate one to justify the means. The citizen, when interrogated about his private affairs, has a right before answering to know why the inquiry is made; and if the purpose disclosed is not a legitimate one, he may not be compelled to answer. Since here the only disclosed purpose for which the investigation was undertaken had ceased to be legitimate when the registrant rightfully withdrew his statement, the power of the Commission to proceed with the inquiry necessarily came to an end. Dissociated from the only ground upon which the inquiry had been based, and no other being specified, further pursuit of the inquiry, obviously, would become what Mr. Justice Holmes characterized as "a fishing expedition * * * for the chance that something discreditable might turn up" (*Ellis* v. *Interstate Commerce Comm'n* (237 U. S. 434 445))—an undertaking which uniformly has met with judicial condemnation.

Likewise in the case of *Sinclair* v. *United States* ((1929) 279 U. S. 263, 292), per Mr. Justice Butler:

It has always been recognized in this country, and it is well to remember, that few if any of the rights of the people guarded by fundamental law are of greater importance to their happiness and safety than the right to be exempt from all unauthorized, arbitrary, or unreasonable inquiries and disclosures in respect of their personal and private affairs.

This legislation would provide for the appointment of an Assistant Attorney General.

The establishment of this position would enable the Department of Justice to set up a civil-rights division and hire an army of lawyers to meddle in private affairs and stir up race conflicts in the South or anywhere else their fancy might lead them.

The authority of the Attorney General to bring civil suits to enforce sections 1971 and 1980 of the Revised Statutes provides additional questions. Traditionally and historically, the control of elections is a matter for the States. H. R. 627 would give the Attorney General authority to police practically all elections, including primaries.

Faced with the threat of a law suit under this bill for every error or alleged error of judgment in administering election laws, honest citizens would be reluctant to serve as election officials. No matter how many hundreds or thousands of persons the Attorney General might employ, it would be impossible for outsiders to enforce honest elections in every local precinct. The ultimate result of this measure would be to undermine the integrity of elections not only in the South but in every section of the ccuntry.

That part of section 1980 which purports to give a cause of action for conspiracies to deprive any person of equal protection of the laws or equal privileges and immunities under the laws is of dcubtful validity. In *United States* v. *Harris* (1882) 106 U. S. 629), the Supreme Court held that another section imposing a criminal penalty for an offense defined in the same terms as the first clause of subsection 3 was unconstitutional. Speaking for the Court, Mr. Justice Woods wrote:

As, therefore, the section of the law under consideration is directed exclusively against the action of private persons, without reference to the laws of the State or their administration by her officers, we are clear in the opinion that it is not warranted by any clause in the 14th amendment to the Constitution.

* * * * * * * If Congress has constitutional authority under the 13th amendment to punish a conspiracy between two persons to do an unlawful act, it can punish the act itself, whether done by one or more persons.

A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them. The only way, therefore, in which one private person can deprive another of the equal protection of the laws is by the commission of some offense against the law which protect the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the 13th amendment, we should, by virtue of that amendment, accord to Congress the power to punish every crime by which the right of any person to life, property, or reputation is invaded. Thus, under a provision of the Constitution which simply abolished slavery and involuntary servitude, we should, with few exceptions, invest Congress with power over the whole catalogue of crimes. A construction of the amendment which leads to such a result is clearly unsound.

There is only one other clause in the Constitution of the United States which can, in any degree, be supposed to sustain the section under consideration; namely, the 2d section of article 4, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States." But this section, like the 14th amendment, is directed against State action. Its object is to place the citizens of each State upon the same footing with citizens of other States, and inhibit discriminative legislation against them by other States. *Paul* v. *Virginia* (8 Wall. 168).

Referring to the same provision of the Constitution, this court said, in Slaughter-House cases ubi supra, that it "did not create those rights which it called privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens. Its sole purpose was to declare to the several States, that whatever those rights, as you grant or establish them to your own citizens, or as you limit, or qualify, or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction."

It was never supposed that the section under consideration conferred on Congress the power to enact a law which would punish a private citizen for an invasion of the rights of his fellow citizen, conferred by the State of which they were both residents, on all its citizens alike.

In the recent case of *Collins* v. *Hardyman* ((1951) 341 U. S. 651), the Court held that there could be no recovery of damages under this section for violent interference by private individuals with the meeting of a political club held for the purpose of adopting a resolution opposing the Marshal plan. The Court did not pass on the constitutionality of this provision. However, Mr. Justice Jackson, who delivered the opinion of the Court, had this to say:

This statutory provision has long been dormant. It was introduced into the Federal statutes by the act of April 20, 1871, entitled "An act to enforce the provisions of the 14th amendment to the Constitution of the United States, and for other purposes." The act was among the last of the reconstruction legislation to be based on the "conquered province" theory which prevailed in Congress for a period following the Civil War. This statute, without separability provisions, established the civil liability with which we are here concerned as well as other civil liabilities, together with parallel criminal liabilities.

* * * * *

The act, popularly known as the Ku Klux Act, was passed by a partisan vote in a highly inflamed atmosphere. It was preceded by spirited debate which pointed out its grave character and susceptibility to abuse, and its defects were soon realized when its execution brought about a severe reaction.

The provision establishing criminal conspiracies in language indistinguishable from that used to describe civil conspiracies came to judgment in *United States* v. *Harris* (106 U. S. 629). It was held unconstitutional. This decision was in harmony with that of other important decisions during that period by a court, every member of which had been appointed by Presidents Lincoln, Grant, Hayes, Garfield, or Arthur—all indoctrinated in the cause which produced the 14th amendment, but convinced that it was not to be used to centralize power so as to upset the Federal system.

While we have not been in agreement as to the interpretation and application of some of the post-Civil War legislation, the Court recently unanimously declared, through the Chief Justice:

"Since the decision of this Court in the *Civil Rights* cases (109 U. S. 3 (1883)), the principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful."

And Mr. Justice Douglas, dissenting, has quoted with approval from the Cruikshank case, "The 14th amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it * * * add anything to the rights which one citizen has under the Constitution against another." (92 U. S. at pp. 554–555.) And "The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty." He summed up: "The 14th amendment protects the individual against State action, not against wrongs done by individuals."

It is apparent that, if this complaint meets the requirements of this act, it raises constitutional problems of the first magnitude that, in the light of history, are not without difficulty. These would include issues as to congressional power under and apart from the 14th amendment, the reserved power of the States, the content of rights derived from national as distinguished from State citizenship, and the question of separability of the act in its application to those two classes of rights.

H. R. 627 not merely authorizes the Attorney General to sue for acts already committed; it also permits him to institute procedings wherever any persons are about to engage in any acts or practices which would give rise to a cause of action under section 1980. Since it is always a matter of speculation whether a person may or may not be about to engage in particular acts, this gives the Department of Justice an unlimited license to harass the people.

By giving the Federal courts jurisdiction of proceedings instituted under this bill, without requiring the party aggrieved to exhaust other remedies provided by State law, the Attorney General would be able to bypass State courts entirely and concentrate in the Federal all litigation concerning everything the broad language of this bill might be stretched to cover.

Certainly it is bad legislation which does not merit the approval of the Congress. There is no place on the statute books for it in a democracy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WILLIS].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations, as the original appointment was made.

(e) Four members of the Commission shall constitute a quorum.

Mr. DIES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIES: On page 20, line 14, after the word "quorum" insert the following new section:

"RULES OF PROCEDURE—SUBCOMMITTEES, MEETINGS, INVESTIGATIONS, AND REPORTS

"SEC. 101. (a) Subcommittees, as required, shall be appointed by the Commission Chairman subject to the approval of the majority of the Commission and shall ordinarily consist of no less than three members. Subcommittees of less than three members may be designated by the Chairman, subject to the approval of the majority of the Commission.

"(b) Commission meetings shall be called only upon a minimum of 16 hours' written notice to the office of each Commission member. This provision may be waived by the assent of the majority of the members of the Commission.

"(c) Commission hearings (whether public or in executive session) and Commission investigations shall be scheduled and conducted only upon the majority vote of the Commission in a meeting at which a majority of the Commission is actually present.

"(d) A resolution or motion scheduling hearings or ordering a particular investigation shall state clearly and with particularity the subject thereof, which resolution may be amended only upon majority vote of the Commission in a meeting at which a majority of the Commission is actually present.

"(e) The Chairman or a member shall consult with appropriate Federal law enforcement agencies with respect to any phase of an investigation which may result in evidence exposing the commission of Federal crimes, and the results of such consultation shall be reported to the Commission before witnesses are called to testify therein.

"(f) No Commission report shall be issued unless a draft of such report is submitted to the office of each Commission member 24 hours in advance of the meeting at which it is to be considered and is adopted at a meeting at which a majority is actually present.

"(g) No testimony given in executive session or part or summary thereof shall be released or disclosed orally or in writing by a member or employee of the Commission without the authorization of the Commission by majority vote at a meeting at which a majority of members is present. No Commission or staff report or news release or statement based upon evidence or testimony adversely affecting a person shall be released or disclosed by the Commission or any member orally or in writing unless such evidence or testimony and the complete evidence or testimony offered in rebuttal thereto, if any, is published prior to or simultaneously with this issuance of the report, or news release, or statement.

"(h) The rule as to the secrecy of executive sessions as set forth in subsection (g) of this section shall be applicable to members and employees of the Commission for a reasonable period following an executive session until the Commission has had a reasonable time to conclude the pertinent investigation and hearings and to issue a report; subject, however, to any decision by a Commission majority for prior release in the manner set forth in subsection (g).

"Hearings

"(i) Witnesses at Commission hearings (whether public or in executive session) shall have the right to be accompanied by counsel, of their own choosing, who shall have the right to advise witnesses of their rights and to make brief objections to the relevancy of questions and to procedure.

"(j) Rulings on motions or objections shall be made by the member presiding, subject to appeals to the members present on motion of a member.

"(k) At least 24 hours prior to his testifying a witness shall be given a copy of that portion of the motion or resolution scheduling the hearing stating the subject of the hearing; at the same time he shall be given a statement of the subject matters about which he is to be interrogated.

"(l) It shall be the policy of the Commission that only evidence and testimony which is reliable and of probative value shall be received and considered by the Commission. The privileged character of communication between clergymen and parishioner, doctor, and patient, lawyer and client, and husband and wife shall be scrupulously observed.

"(m) No testimony shall be taken in executive session unless at least two members of the Commission are present.

"(n) Every witness shall have the right to make complete and brief answers to questions and to make concise explanations of such answers.

"(o) Every witness who testifies in a hearing shall have a right to make an oral statement and to file a sworn statement which shall be made a part of the transcript of such hearings, but such oral or written statement shall be relevant to the subject of the hearings.

"(p) A stenographic verbatim transcript shall be made of all Commission hearings. Copies of such transcript, so far as practicable, shall be available for inspection or purchase at regularly prescribed rates from the official reporter by any witness or person mentioned in a public hearing. Any witness and his counsel shall have the right to inspect only the complete transcript of his own testimony in executive session.

"Rights of persons adversely affected by testimony

"(q) A person shall be considered to be adversely affected by evidence or testimony of a witness if the Commission determines that: (i) the evidence or testimony would constitute libel or slander if not presented before the Commission or (ii) the evidence or testimony alleges crime or misconduct or tends to disgrace or otherwise expose the person to public contempt, hatred, or scorn.

"(r) Insofar as practicable, any person whose activities are the subject of investigation by the Commission, or about whom adverse information is proposed to be presented at a public hearing of the Commission, shall be fully advised by the Commission as to the matters into which the Commission proposes to inquire and the adverse material which is proposed to be presented. Insofar as practicable, all material reflecting adversely on the character or reputation of any individual which is proposed to be presented at a public hearing of the Commission shall be first reviewed in executive session to determine its reliability and probative value and shall not be presented at a public hearing except pursuant to majority vote of the Commission.

"(s) If a person is adversely affected by evidence or testimony given in a public hearing, that person shall have the right: (i) to appear and testify or file a sworn statement in his own behalf, (ii) to have the adverse witness recalled upon application made within 30 days after introduction of such evidence or determination of the adverse witness' testimony, (iii) to be represented by counsel as heretofore provided, (iv) to cross-examine (in person or by counsel) such adverse witness, and (v) subject to the discretion of the Commission, to obtain the issuance by the Commission of subpenas for witnesses, documents, and other evidence in his defense. Such opportunity for rebuttal shall be afforded promptly and, so far as practicable, such hearing shall be conducted at the same place and under the some circumstances as

the hearing at which adverse testimony was presented.

"Cross-examination shall be limited to 1 hour for each witness, unless the Commission by majority vote extends the time for each witness or group of witnesses.

"(t) If a person is adversely affected by evidence or testimony given in executive session or by material in the Commission files or records, and if public release of such evidence, testimony, or material is contemplated such person shall have, prior to the public release of such evidence or testimony or material or any disclosure of or comment upon it by members of the Commission or Commission staff or taking of similar evidence or testimony in a public hearing, the rights heretofore conferred and the right to inspect at least as much of the evidence or testimony of the adverse witness or material as will be made public or the subject of a public hearing.

"(u) Any witness (except a member of the press who testifies in his professional capacity) who gives testimony before the Commission in an open hearing which reflects adversely on the character or reputation of another person may be required by the Commission to disclose his sources of information, unless to do so would endanger the national security.

"Subpenas

"(v) Subpenas shall be issued by the Chairman of the Commission only upon written notice to all members of the Commission, with a statement as to the identity of the witness or material and their relevancy to the investigation or hearing already authorized. Upon the request of any member of the Commission, the question of whether a subpena shall be issued or remain in force if already issued shall be decided by a majority vote.

"Commission staff

"(w) The composition and selection of, and changes in, the professional and clerical staff of the Commission shall be subject to the vote of a majority of the members of the Commission.

"Television and other means of communication and reporting

"(x) Subject to the physical limitations of the hearing room and consideration of the physical comfort of Commission members, staff, and witnesses, equal access for coverage of the hearings shall be provided to the various means of communication, including newspapers, magazines, radio, newsreels, and television. It shall be the duty of the Commission Chairman to see that the various communication devices and instruments do not unreasonably distract, harass, or confuse the witness or interfere with his presentation.

"(y) No witness shall be televised, filmed, or photographed during the hearing if he objects on the ground of distraction, harassment, or physical handicap."

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. DIES. Mr. Chairman, this is a very long amendment.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. DIES. I yield.

Mr. JACKSON. In light of the fact that I understand an agreement has been made between the leadership that will not unduly restrict the time to be given to Members to explain their amendments, I wish to state that I will not interpose any objection to a request for additional time.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may have 5 additional minutes.

Mr. DIES. Mr. Chairman, it must be manifest to the House that this cannot be explained in just a few minutes. May I request the indulgence of the House for 10 additional minutes? This is a very important amendment. Any amendments that I shall hereafter propose I will take only a few minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas, that he may proceed for 10 additional minutes?

There was no objection.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. DIES. I yield.

Mr. KEATING. Does the gentleman have this in written form, which I might study during his presentation?

Mr. DIES. I asked unanimous consent last night to insert it in the RECORD. For some reason it was not inserted in the RECORD. I regret that very much. I wanted to give the House ample time to consider it in advance. I do not think I have a copy with me, but the gentleman can get the copy from the Clerk's desk and be reading it.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to extend my remarks immediately following the remarks of the gentleman from Texas [Mr. DIES].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, this amendment is verbatim the language of a bill introduced by the gentleman from New York [Mr. CELLER]. I had some difficulty trying to decide which bill to use. I secured copies of all bills that had been introduced by numerous Members of both bodies, and I discovered that practically all of the bills were alike. In fact, the bills introduced by many of the Members were identical in language.

Then I went back to the hearing before the Rules Committee, and I discovered that the rules proposed in this bill were suggested by numerous liberal organizations. For instance, the American Civil Liberties Union appeared and advocated these rules.

The Association of the Bar of the City of New York, through Witness Allen Klots, appeared in support of these rules.

The American Jewish Congress, through Will Maslow, appeared in support of these rules.

Harold Riegelman, of the American Jewish Committee, appeared before the committee in support of these rules.

Dr. Eugene C. Blake, National Council of the Churches of Christ in the United States, appeared before the Rules Committee in support of the rule, and offered for the record numerous statements of denominational organizations throughout the United States in support of these rules.

Andrew E. Rice, executive director of the American Veterans Committee, and Hon. Kenneth B. Keating, of New York; Hon. Chauncey W. Reed, of Illinois; Thomas E. Harris, asistant general counsel of the CIO, appeared and at some length suggested these rules.

Then Hon. Andrew Biemiller, of the American Federation of Labor, appeared before the committee in support of these rules of fair procedure.

Hon. Jacob K. Javits, of New York, was also one of the witnesses.

I could go on, Mr. Chairman, and consume a great deal of time reading the endorsements of these rules of procedure by numerous liberal organizations in the United States; and, strange as it may appear, the very organizations that endorsed these rules endorsed the civil rights bill which is now under consideration by the House.

Mr. KEATING. Mr. Chairman, will the gentleman yield for a question?

Mr. DIES. I yield briefly.

Mr. KEATING. I do not believe the gentleman would care to give the impression that I appeared in behalf of these rules.

Mr. DIES. I have the gentleman's rules here and they are very similar.

Mr. KEATING. Similar but somewhat different.

Mr. DIES. To be frank, I read as many of these bills as I could all afternoon and until 2 o'clock in the morning when I got very sleepy, and I could not tell much difference in the bills. I do not know where they originated, but it was a strange coincidence that so many different minds would all agree upon the same measure. However, I am sure that that is the case.

Now, Mr. Chairman, I want to be very serious about this. It may appear at first blush that I am offering this facetiously, but as a matter of fact, having read these rules carefully, having considered them, I believe they will afford a measure of protection to people who are accused and who appear before this commission as witnesses.

Remember, this commission is unusual. Most commissions deal with subject matters. The Committee on Un-American Activities dealt with un-American activities. Mr. Hoover's Commission dealt with a subject matter. But here for the first time it is mandatory that a commission shall investigate allegations. The commission has no discretion about it. Anyone who makes an unverified, unsupported, unsworn allegation against his fellow man is entitled as a mandatory right to have that allegation investigated.

Remember also that if someone makes an allegation before this commission against any American citizen or against anyone, that person can be subpenaed to travel to Washington, D. C., and to answer that allegation.

As I said, I have had a lot of experience with investigations; and, as a matter of fact, the very first order of business of our committee was to announce rules of procedure. I do not have the time to review those rules, but they were designed to insure fair trial.

I also introduced several years ago a set of rules. They were somewhat different from the rules of the gentleman from New York [Mr. CELLER], but he has had so much experience in the field and has worked so many long and tireless hours on these rules that I felt it was my duty to honor him by introducing his bill today.

Mr. Chairman, the rules that were proposed by the gentleman from New

York and by numerous other Members of this body and of the other body and supported so vigorously and unanimously by all of the liberal forces in America were designed to apply to the investigation and exposure of communism. There is no doubt about that. That was the provocation for the avalanche of rules that were introduced. I submit that if so many Members of the House felt that the Communists should be safeguarded and protected by these rules of procedure, certainly American citizens ought to have equal protection.

I have not sought to strengthen these rules. I think it would be appropriate to add some more safeguards in view of the differences between what you are trying to reach here and what the authors of the rules sought to reach. I submit that even in this progressive and liberal period we ought to give as much protection to American citizens as it was proposed to give to Communists and those engaged in subversive activities. I shall not attempt to explain in detail all of the provisions of these rules. They have been well considered by committees of the other body and of the House of Representatives. I did not bring all of the hearings of the other body here because they are very voluminous, and I felt it would serve no useful purpose. I did bring the hearings of the Rules Committee of the House and I am proposing to you a set of rules which has been carefully considered by appropriate committees of the Congress and which have been introduced by some of the most distinguished and able Members of both branches. I could if it were not for the rules of the House name the Members of the other body. It is an imposing galaxy of liberal and progressive leadership in the United States.

I assume, Mr. Chairman, that those of you who want to safeguard and protect those who are accused, those who are libeled or slandered or subjected to harassment, will enthusiastically embrace the opportunity to pass this amendment. It will be a glorious day for the cause of enlightened liberalism in America. I think I can foresee the time, Mr. Chairman, when this day will be celebrated as historic.

I can recall those long years when I headed the Committee on Un-American Activities. I listened to many fervent speeches from those who demanded that the people who were investigated and exposed by the Dies committee should be surrounded with all of these rights and with all of these protections. And through the long weary years they have labored, and finally it is my privilege to offer this measure to the House of Representatives.

Mr. Chairman, this will be the real test of liberalism. It is the test of whether you meant what you said in your speeches to your constituents, to labor and other liberal organizations, and to the House of Representatives, and in the numerous bills that you introduced. If you believe in them you now have a magnificent opportunity to attach to this bill the very rules that you have advocated in the past.

It may be suggested by some reactionary who might oppose this amendment that there is a difference between congressional investigations and commissions. If there is a difference, Mr. Chairman, that difference is that there is greater need to safeguard accused persons before a commission than a congressional investigating committee. In a congressional investigation the House has constant control over the committee. In the case of a special committee, such as was the much maligned Dies committee, we were required to appear before the House every year for additional funds.

We were compelled to defend ourselves against any charge that was made by any Member of this body, and at any moment the House of Representatives could have terminated our investigation.

But, in the case of a commission, you lose control. You empower the President to appoint the commissioners. I know it has been suggested that we can trust the President to select the right men for the place. Well, perhaps he can get around to the duty of personally selecting the commissioners, but I have great doubts. I saw the security program in operation, and as I told the House of Representatives the other night, there were great injustices committed in the administration of the security program. I told you of one incident that it would be well to repeat for the benefit of those who were not here, of a man who is the regional director of the NLRB at Fort Worth, Tex., Dr. Edwin Elliott, a man who was accused before our committee some years ago of being a Communist. We investigated the charges and found that they were groundless. Then, when the security program went into effect, suddenly, without any previous warning, this man was accused by the Government of being a Communist. Well, I wrote letters to Washington and asked for a bill of particulars. They refused to give me any information. They set a date for hearing in the city of Fort Worth. I appeared there as his counsel, voluntarily and without pay, because I knew the man was innocent. When we walked into the hearing room, there sat six men from Washington, D. C., and the newspaper reporters were excluded. No one was permitted in the hearing room but the defendant and myself and another attorney for the National Labor Relations Board. I rose and asked the Board if they would supply me with information as to the name of the accuser. They said, "We cannot give you that information." I asked, "Can you tell me when he was accused of being a Communist? What activities did he engage in? Is there any evidence of membership in the party?" They said, "We are not permitted to give you any information." I said, "Then I must assume that the burden of proof is upon us to establish his innocence without any information whatsoever." They said, "That is true." Fortunately, I had gone through my old records and discovered the name of the original accuser, and we conducted an investigation. We found that the informant worked for a detective agency in Fort Worth, and without any right of subpena whatsoever we prevailed upon him to appear, as well as other witnesses, and assumed and discharged the burden and proved beyond any reasonable doubt that the regional director was innocent.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DIES. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DIES. But, it took 1 year to get Washington to act upon the matter, and during all that time this Government official, this man who had formerly been on the faculty of TCU, who was highly respected, and his family were under the shadow of guilt.

Now, Mr. Chairman, here is a commission with tremendously more power than the security boards had. And, we have no safeguard, no measure of protection for the thousands of people that can be subpenaed to appear before that Commission. There are no rules of procedure provided; there is no provision for counsel to be there; there is no provision that the accused shall be furnished with information in advance as to what the accusation is.

I submit to you, Members of the Committee, liberals and conservatives alike, that if you are determined to pass this bill over my strenuous objection and vote, the least you can do is to adopt these rules of procedure that have been advocated so strenuously and so eloquently and so persistently by the gentleman from New York [Mr. CELLER] and by the gentleman from Illinois [Mr. YATES] and by numerous other gentlemen of this House and of the other body. They have been here pleading for these rules. I submit that those who understand the value and the necessity of protecting the rights and the God-given privileges of the American people cannot afford to oppose this amendment. I believe that this is a real test of the honest liberalism of the membership of this House and I call upon the Members of the minority, if they believe in protecting defendants and accused people and of giving them an opportunity to a fair day in court, and to have counsel present and to know the specific nature of the charges, and who the accuser is, and to have the right to subpena witnesses in their behalf—if they believe in these time-honored principles of American jurisprudence, then I urge them to join with all of us in approving this amendment.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ROBERTS. Mr. Chairman, the bill now before the House for consideration, H. R. 627, the so-called civil rights bill, is a bill ill-conceived, ill-drafted, and if enacted, can only bring ill-will. It is legislation designed to destroy States rights, disregard State judicial processes, and create chaos such as our entire Nation has never experienced. It is even unlikely that this legislation could ac-

complish what its proponents seek. It is more likely that it would only result in sending a horde of investigators, traveling at the Nation's taxpayers' expense, to swarm across the Southland searching for a bona fide civil-rights complaint.

Basically H. R. 627 would establish a Civil Rights Commission; would provide for an additional Assistant Attorney General; would establish a special civil-rights division in the Justice Department; and would empower the United States Attorney General to institute civil action or other proceedings for redress for an individual complainant, free of charge, and without State remedies having been exhausted. And of significant note is the fact that the Attorney General may institute litigation without the knowledge or consent of the person designated as the party in interest. If some pressure group feels an individual's rights have been violated, even if the individual does not agree, action can be instituted.

I am sure this House is well aware that the establishment of a Commission on Civil Rights is not unique. The President could create such a commission if he so chose. But I note he has not "so chosen" during his past 3½ years in office. Of course, the unusual power which this legislation before us proposes to place in the hands of the Civil Rights Commission are full subpena powers and provisions for punishment for any contempt. Defendants could be called upon to appear at any place, any time, and apparently at their own expense. I emphasize at his own expense because the individual lodging the complaint that his civil rights has been denied, would not have to pay 1 cent of the costly litigation expenses. A team of lawyers and investigators would be set to work investigating complaints and all at the taxpayers' expense.

And it would be facetious to think that all the complaints filed would be real and not imaginary. To illustrate the goose chases that Government tax-paid lawyers and investigators would be sent on, let us take a look at the past. In 1940, 8,000 civil-rights complaints were received. Prosecutions were recommended in 12 cases. This is 0.15 percent—less than two-tenths of 1 percent. In 1942, 8,612 complaints were received. Prosecutive action was taken in 76 cases, but the Attorney General's report does not say how many convictions were obtained. In 1944, 20,000 complaints were lodged; 64 prosecutions were undertaken, but it is not revealed how many were convicted. In 1947, 13,000 complaints were received, and prosecutions were undertaken in 12 cases. Convictions were secured in 4 cases. Four convictions out of 13,000 complaints, Mr. Speaker, is less than four-tenths of 1 percent. This is a pretty poor return for the time, money, and effort involved—if this area is as flagrant with abuses as so many professional liberals and vote-hungry politicians would like to have the public think. To the candid eye, I frankly think it would appear that the civil-rights measure is political eyewash brewed to further make the South the whipping boy for all sections of the Nation, with the hope of gaining votes in November. In the last few days of this session we see the administration attempting to coerce this Congress into passing this legislation so that the President can claim fulfillment of a campaign promise he made in Harlem in 1952—when he was a most active candidate for the Presidency of these United States.

The Commission on Civil Rights would be designed to investigate allegations concerning deprivations of the right to vote and to investigate allegations concerning unwarranted economic pressures by reason of the color, race, religion, or national origin of the victim. The legislation, H. R. 627, as proposed, extends the Federal authority into areas traditionally reserved to the States and to the people. It also called for eliminating the requirement that all State administrative and judicial remedies must be exhausted before access can be had to the Federal court. These are indeed unique and strong-handed tactics to bypass the States and completely nullify their rights and procedures. A feeble justification was made that the State courts were overworked but only last week, Chief Justice Warren, addressing the 26th Judicial Conference of the United States Fourth Circuit Court of Appeals, referred to the congestion in the courts, the tremendous backlog of cases, and called for Congress to enact legislation to provide for the appointment of 21 additional Federal judges.

In the clamor to ram civil rights down the necks of Southerners, it would well behoove the Members of Congress to take heed lest they destroy States rights and thus begin the whittling away of our freedom. The Founding Fathers of this Nation, while aware of the necessity and strength in unity, were equally anxious that States rights and the individuals' rights in no way be impaired. The enactment of H. R. 627 would take us a long way from this philosophy, so deeply cherished and fought for by our great forebears.

Thomas Jefferson wrote in 1800:

> The true theory of our Constitution is surely the wisest and best, that the States are independent as to everything within themselves, and united as to everything respecting foreign nations.

In his first inaugural address in 1801, Thomas Jefferson stated that one of the essential rights was "the support of State governments in all their rights, as the most competent administration for our domestic concern and the surest bulwarks against antirepublican tendencies." These United States can be strong only so long as the individual States remain strong. The legislation now before this House would destroy freedom, while being sold to us under the pretext of assuring freedom.

It is interesting to note how zealous Congress has been on occasions to protect State rights. In the Lindbergh law, the FBI is prevented from going into action on a kidnaping case until after 7 days or some evidence of interstate action has occurred. Kidnaping involves a human life, but the Federal Government does not go into action until there has been interstate commerce. Yet, today, we are being asked to approve legislation to let the Federal Government's agents move right into a State, in total disregard of State remedies, and indeed where it is not a life and death matter.

I should also like to state my objection to the vagueness of the language used in H. R. 627. Should this measure be enacted it would leave entirely too much area for the courts to interpret. When the Supreme Court hands down a decision in November awarding a train brakeman $90,000 and then reverses its decision 6 months later, I am reluctant to give my approval to any bill which would give such an unstable Court any opportunity to legislate. The present membership of the Court seems to have a tendency to want to legislate anyway.

Mr. Chairman, I wish to reiterate my hope that this House will defeat this bill now before us which, if enacted, can only bring chaos to our magnificent Nation and will whittle away our individual and State rights, privileges, and freedoms.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to thank the gentleman from Texas [Mr. DIES] for the compliment he pays me in endeavoring to graft onto this Commission the rules which apparently I sought to graft onto his committee some years ago.

Mr. DIES. Mr. Chairman, if the gentleman will permit, that is not quite accurate; not my committee. The gentleman introduced his rules only 2 or 3 years ago.

Mr. CELLER. Then it would be applicable to the committee that succeeded the gentleman's committee. It may be that these rules would be good for a congressional committee. But there is a different story to tell when you speak of a Commission. I think if the rules were so good, as indicated by the fulsome praise the gentleman from Texas accorded them, they should have been adopted by the gentleman from Texas. But we never got a peep out of him as to what his attitude was when the rules that I suggested were made manifest to this House.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. DIES. That is not quite accurate, because the rules of the gentleman from New York were not introduced until 2 or 3 years ago. My committee terminated in 1945. The gentleman had introduced no rules in that period. If the gentleman had introduced those rules then I would have gladly adopted them.

Mr. CELLER. Mr. Chairman, I think the laughter with which the gentleman's assertion was met is a complete answer. And I would say in that regard that the gentleman has 20/20 vision in his hindsight. He did not adopt the rules or would not have adopted the rules, I am quite sure, at the time he was chairman. I think redemption has come a little late to the gentleman from Texas. The light has dawned upon him rather a little late.

It reminds me of the fable of the turtle and the scorpion. The gentleman may remember it. I think it was Aesop that told the tale of the turtle on the bank and next to him there was a scorpion. The scorpion said to the turtle, "Would you mind allowing me to go on your back,

and then you could ferry me across to the other side of the stream?" The turtle said, "No, I cannot do that. You might sting me, and then we would both go down and drown."

Then the scorpion said, "I don't think I will sting you." So the turtle said, "Hop on board." The turtle started to paddle and paddled his way across the stream. Then in midstream the scorpion stung the turtle, and of course they were about to go down, and the turtle said, "You said you wouldn't sting me." The scorpion said, "Well, in answer I will say, it is in my nature to sting."

So I say the moral of this is, beware the sting of the gentleman from Texas. This proposition has a real sting in it. The rules are very intricate. By the time they would be interpreted, I suppose even by the Supreme Court of the United States, the 2 years that is the life of the Commission would have elapsed and then the work of the Commission would have gone overboard.

None of the commissions that I know of that have been approved and set up by this House, the Hoover Commission and numberless other commissions, have had to work under rules of the type the gentleman from Texas now promulgates and wants to graft onto this Commission. So I do indeed hope that the Committee will vote down the amendment offered by the gentleman from Texas.

Mr. KEATING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to say at the outset that I appreciate the spirit in which this amendment has been offered and the manner of presentation of the gentleman from Texas and the spirit in which my chairman is opposing the amendment. I am sure that he does well to cite the case of the scorpion.

However, ever since I have been in Congress I have favored the establishment of rules of fair procedure for congressional committees, whether the investigation had to do with alleged Communists or alleged violators of law of any character. I would much have preferred it, had the gentleman from Texas selected the rules which I prepared and which were introduced by me for several sessions on this subject.

Mr. DIES. If the gentleman will yield, would the gentleman want me to substitute his rules? Would he agree to the adoption of them?

Mr. KEATING. I would be happy to do so.

Mr. DIES. The trouble is, the gentleman's rules are so much like the chairman's that I thought since he was the chairman and a Democrat we ought to honor him with it.

Mr. KEATING. I think the gentleman's point may be well taken.

The rules which I worked out did not really go as far as these. I must be frank with the Members. I think they were more practical for the conduct of congressional investigations. I wish they were the subject of this amendment. There is no doubt about it that there have been abuses in congressional investigations. It is conceivable that there could be abuses in the investigations conducted by this Commission. Any commission of body, whether it be executive or legislative, if it has untrammeled power to do anything, is bound in some cases to get off base.

This entire legislation will be the subject of a conference with the other body after they have acted on it and at that time we can take up these rules in more detail. While I feel that this is not the best way to legislate on such an important subject, it is possible that our committee should have considered this specific matter for rules for this investigation. I see nothing serious to object to in these amendments. I have never believed that you should bring on the floor of this body a piece of legislation and be unwilling to consider the improvement of it. I am sure that most of the amendments which are offered here, I shall feel it necessary to oppose. But, in this case, since I feel so strongly that what is sauce for the goose is sauce for the gander, I shall support the amendment offered by the gentleman from Texas [Mr. DIES].

Mr. ROGERS of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have one or two questions which I would like to address to the gentleman from Texas [Mr. DIES].

Under the rules that you have offered in your amendment, would they protect a man from being charged and convicted of the crime of contumacy, which is not defined although the term is used.

Mr. DIES. You mean in the event that a person refuses to obey a subpena?

Mr. ROGERS of Texas. Well, I do not know what contumacy is.

Mr. DIES. I believe I can answer the question.

Mr. ROGERS of Texas. Let me say this to the gentleman. I believe we can get at it this way. If a man is served a subpena by a fellow he does not like who has been delegated by this Commission and he says in a very low tone of voice, "If it wasn't against the law, I would knock your head off." That fellow is guilty of contumacy even though he knows it is against the law and he is not going to knock that fellow's head off. Do your rules protect me if I should be so served and should so state?

Mr. DIES. I would not say that it would go that far—I will say to the gentleman, if he wants a definition of that word, he can obtain it by consulting the author of the definition "unwarranted economic pressure" since the same man wrote both of them.

Mr. ROGERS of Texas. I have undertaken to get a definition of it, and the only definition that has been furnished to me is that contumacy means the act of being contumacious. I then run into another difficulty, I cannot find out what contumacious means. Can the gentleman help me out on that?

Mr. DIES. I am afraid I cannot be of any assistance to my friend.

Mr. ROGERS of Texas. Would the gentleman do this? Does he think that some amendments might be in order to his rules to protect a man in that situation?

Mr. DIES. No, I think the rules, as I have offered them, are perfect. I would not want them weakened. I think they have been considered so long over so many years and my friend, Mr. CELLER, has fought so valiantly for them that I have introduced them exactly the way he wrote them. I do not want a "t" crossed—I mean I do not want a word changed.

Mr. ROGERS of Texas. If the gentleman from New York introduced these rules in an effort to try to protect the many people that you say he is trying to protect, and knowing his great learning in the law and knowing that he understands what contumacy means, it seems to me an amendment to your amendment would be in order to protect the man in the position I related because I was very conservative; and if the debate on this bill is correct and if I am to believe it, I do not even have to say, "If it was not against the law, I would knock your head off." But, even if I think that, I am liable to end up in a Federal prison.

Mr. DIES. Seriously, these amendments will insure everyone brought before the Commission a fair American trial.

Mr. ROGERS of Texas. That is what I wanted to know. I thank the gentleman. I am glad the gentleman has helped to take some of the sharp edge off of the most dangerous piece of legislation I have ever seen or heard of, and one traveling under an innocent-sounding alias.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Mr. Chairman, it is with pleasure that I support the amendment offered by the gentleman from Texas [Mr. DIES]. On Tuesday of this week I listened with great interest to the distinguished Texan when he gave this Committee advance notice that he would introduce such an amendment on today. I believe that most of the Members knew of what would be contained in his amendment even before he sent his amendment to the Clerk's desk, but at the same time, I was delighted at the close attention given to the reading of this amendment by the reading clerk.

These recommendations embraced in the Dies amendment will remove from this bill some of the danger it inherently contains. It will effectively prohibit star chamber and inquisition methods and procedures.

Why, Mr. Chairman, without the Dies amendment, H. R. 627 would make the Spanish Inquisition milder than a Sunday School picnic and would make torture racks and thumbscrews seem as children's swings and playground toys. The wording of H. R. 627, either in its original form as drafted by the gentleman from New York [Mr. CELLER] or in the committee substitute which is now before us for consideration, provides for the creation of the instrument and the machinery which would make Hitler's persecution of certain minorities pale into insignificance. It was just such legislation as this asked for by Hitler and granted by the German Reichstag that enabled Hitler to begin a planned program of extermination of a minority which is often referred to as God's

chosen people, and do not forget that that program came close to being consumated.

Let me caution and let me warn, my friends, of all races, of all creeds and of all religious faiths, that even though some of you may now support H. R. 627, it could indeed become the very instrument which would provide for the worst persecution ever known or ever experienced by your people, my people, or any people.

Let me recall to your attention, in case some of you may have missed it, the words spoken in this body by the distinguished gentleman from Virginia [Mr. TUCK] a great former Governor of that Commonwealth, when he recalled and recounted the Old Testament story of Haman who built the gallows upon which to hang Mordecai but upon which Haman himself was hanged 3 days later.

So it is, my friends, with this proposed legislation—there can be no question but that those who proposed it and those who sponsor it and most of those who support it intend it as a weapon against my people, my State, and the great Southland of which I am a part. It will not be me, my people or my section who in the long run will suffer from it—it will be Americans everywhere who believe in freedom, liberty, justice, and moderation.

There are no circumstances under which I could support this bill and vote for it, and I say this quite frankly and willingly, because this same thought has been expressed upon this floor in recent days by many of my colleagues. However, I hope that in the interest of fair play, common decency, good judgment, commonsense, and justice that an overwhelming majority of the Members on both sides of this aisle will lend their support to this amendment.

If the amendment is adopted, it will provide substantial safeguards to the rights and liberties of all Americans. I hope this amendment will be adopted.

Mr. DOYLE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Chairman, during the 2 previous days' debate on this important measure I have been in attendance throughout the full time of the many hours of debate each day, with the exception of about 10 minutes. And, since much of the debate so far has treated with actual or imagined legal problems, I consider it not amiss for me to make a brief observation in this all too short a time I have on a point or two which I feel have not yet been clearly defined. Having happily and somewhat prosperously practiced civil law for over 30 years before I first was elected to this great legislative body five terms ago, I feel my experience gave me training which causes me to speak on this occasion within the short time limit allowed.

First, because there has not yet been stated a reasonably full and comprehensive definition of just what is involved in the subject of this civil-rights bill, and because it is designed for the protection of civil rights of persons, I asked the Library of Congress to furnish me with such definition. I read you the same:

CIVIL RIGHTS: SOME DEFINITIONS

Civil rights are those which belong to the individual as a result of his membership in organized society, that is, as a subject of civil government. They are entirely the offspring of law and may be contra-distinguished from so-called natural rights or such as are inherent in the nature of man and which are said to belong to him by virtue of the law of nature rather than of positive law. To a large extent, however, civil rights are nothing but natural rights which have been created and defined by the state. Again, they may be distinguished from political rights or privileges, or such as the state confers upon certain classes of its citizens * * * for the purpose of giving them a share in the choice of public officers and in the conduct of the government. Such is the right to vote and hold public office. In strictness, civil rights belong only to citizens whose civil status has not been impaired by judicial condemnation. In a wider sense, however, they are the great fundamental rights of all the inhabitants of the state, that is, they belong to all persons within the jurisdiction of the state and not merely to citizens. (Source: Cyclopedia of American Government, New York, D. Appleton and Co., 1914. V. 1, pp. 281–282.)

Civil rights, the rights which a State's inhabitants enjoy by law. The term is broader than "political rights," which refer only to rights devolving from the franchise and which are held usually only by citizens. Unlike "natural rights," civil rights have a legal as well as philosophical basis. Source: Columbia Encyclopedia. 2d ed. New York, Columbia University Press, 1950, p. 397.)

Those liberties possessed by the individual as a member of the State; more particularly those liberties guaranteed to the individual in the State against encroachment by his Government. In this latter sense, civil rights are found enumerated in the Bill of Rights, of State and National Constitutions and include both substantive rights, such as freedom of speech, press, assembly, or religion, and procedural rights, such as protection against unreasonable searches and seizures or against punishment without a fair trial. The most important of these rights is embodied in the clause which prohibits the Government from depriving anyone of life, liberty, or property without due process of law. Twice found in the Constitution, this clause imposes a limitation upon the States as well as Congress. By its interpretation of the "due-process" clauses, the Supreme Court of the United States largely determines the scope of civil rights in America. Recently interest in civil rights has been directed toward positive legislation by the Government guaranteeing certain liberties to the individual against encroachment by other individuals or groups. Examples of this tendency are State civil rights acts in which individuals or groups are forbidden to discriminate against other individuals or groups because of their race, color, religion, or membership in labor unions. (Source: Smith, Edward Conrad and Arnold John Zurcher, Eds. New Dictionary of American Politics. New York, Barnes and Noble, 1949, p. 66.)

Second, I do not object to any fair-minded investigation lawfully and justly conducted as to any major problem surrounding the voting rights and therefore the civil rights of any segment of the American people by reason of their color, race, religion, or national origin. This is what the commission is authorized to do in section 103 (a) of the pending bill. It specifies that the commission shall investigate the allegations that some citizens of the United States are being deprived of their right to vote. And so far in the debate I have not heard any flat denial of this text in the bill. Furthermore I think the public record clearly speaks that it is an existing fact that certain citizens are being deprived of their right to vote. In stating this I have no ill will toward, nor lack of understanding of some of the problems existing in certain sections of our great Nation. But, making allowance for such difficulties and problems facing certain sections of our Nation in this regard, I nevertheless cannot condone any continuance of any situation which is designed to deprive any American citizen from the right to vote on account of their color, their race, their religion, or their national origin. I conceive of this right to vote as an inherent natural right of every American citizen, and I likewise consider any deliberate deprivation of this right to vote of any American citizen on account of their color, race, religion, or national origin as a deliberate disservice to the strengthening of the democratic processes under our constitutional form of Government.

Third, objection has been made to the fact that the bill does not provide that the allegations referred to in section 103, which are to be investigated, are not required to be sworn to. However, it is a fact that investigative committees of this House itself, for instance the House Un-American Activities Committee, of which I am 1 of 9 members, does not require in its investigations that preliminary information furnished the committee be sworn to in the early stages of the investigation.

Fourth, and as to the provisions of the bill that the Attorney General may institute injunctive proceedings in Federal court, and the objection that this gives him too much power, and that he can easily abuse it, I wish to remind you that an Attorney General must bring just injunctive proceedings in a United States court and that he has to make a showing of good cause and a reasonable basis before the Federal judge for the granting or issuance of any preventive relief. And every lawyer in this House who has had any injunction practice knows that an injunction will only issue on the basis of sufficient sworn affidavits or as result of sworn oral testimony in the injunction proceedings.

Since I do not have time or opportunity to speak at greater length on this bill, I wish to say that I hope that its worthy objective to protect the voting rights of all American citizens will be considered most seriously and fairly throughout the remainder of this debate as amendments are offered. I have frequently stated that I regard the strength of our democracy as coming from the grassroots withing the States and that only as people living at the grassroots in the States are experienced and participate in effective State government will our National Government be strengthened. The State laws governing State matters must always be paramount. But under the Constitution interpretation and effect the States are morally and legally obligated, in my judgment, to cooperate in the protection of the voting rights of all citizens within their respective borders. This

applies to every State in our Nation. I do not herein pick or point or find fault with any particular geographical section of our Nation. Whatever the facts are in this matter of voting rights and voting franchises, is best known to the responsible officials and citizens within those States.

I recognize there are some imperfections in my judgment in the text of this bill. For instance I think some guiding rules of required procedure should have been spelled out. Since the text of the Dies amendments was not printed in the CONGRESSIONAL RECORD last night I have not had the benefit of reading them. I recognize that some of these are basic provisions which I have been and still am in support of as being basic for favorable consideration by the House Un-American Activities Committee and other congressional committees. As you know, I had the responsibility of being chairman of the committee to submit rules to that committee and which rules were adopted. It is recognized that they have made lasting improvements in committee procedures. And, I am naturally pleased that this bill and amendments proposed incorporate the proviso of at least two members of the Commission always being on the job during any action any subcommittee is to take. This requirement of at least two members present was adopted by this House unanimously under the terms of House Resolution 151. How I shall vote on this bill depends on what it looks like when ready for final passage. If it is weakened and watered down by amendments which in effect make it a useless or ineffectual bill, then in spite of the fact that I have always been and always expect to remain an active proponent for the right of every American citizen to register and vote, regardless of race, creed, religion, or national origin, I cannot feel happy about voting for a bill which may be a useless bill. I wish to repeat that I understand clearly why some of my distinguished colleagues frankly state they will not vote for this bill or any bill like it. But in the same measure of understanding, I expect those who differ with me to understand why I hope that some effective, worthwhile, and fair bill will come out of this important debate.

Mr. ASHLEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. DIES], and I do so with considerable pleasure.

Those who favor this legislation, as I do, cannot help but honestly admit that it contains serious loopholes. One of the most serious of these loopholes, I believe, would be answered by the amendment just offered, for it would secure to individual citizens the time-honored protections which our American judicial system accords to the accused.

Mr. DIES has quite rightly pointed out that a distinction lies in the degree of protection and the kind of protection to be accorded individuals hailed before a Government Commission—as opposed to the protection of an individual appearing before a congressional committee.

Perhaps the best and most current illustration of what can happen to an individual before a Government Commission is to be found in the proceedings of the Foreign Claims Settlement Commission. As many Members of this body know, this Commission is charged—among other things—with the responsibility of administering Public Law 615, 83d Congress, which provides for compensation to be paid to former Korean prisoners of war at the rate of $2.50 per day for each day of imprisonment. Prisoners of war who collaborated with the enemy, of course, are excluded from this compensation.

This is how the act has been administered by the Foreign Claims Settlement Commission, and I point this out to show the assaults which can be made upon invidual rights by a Presidentially appointed body allowed to promulgate its own rules and regulations without any regard whatsoever for the rights of the individuals concerned.

A claimant under the act merely has to submit a claim, together with an affidavit that he did not collaborate with the enemy during his period of incarceration. Most veterans receive payment in due course. But not all. There is a small group who, on the basis of uncorroborated, hearsay scuttlebutt, are presumed to be guilty of collaboration and who, therefore, are denied compensation under the act.

These veterans—and there have been hundreds of them—have had their claims disallowed upon primary examination not by members of the Commission, but by clerical help hired by the Commission. These claimants, if they apply in writing, are afforded the opportunity of what the Commission calls a hearing, but which no student of administrative law could possibly recognize as such. In more than one case, a hearing has been conducted without any of the Commissioners present and an adverse decision handed down over the signature of a majority of the Commission, before the record of the so-called hearing was even transcribed and available for study and review.

These unfortunate claimants have been denied the right to review the charges against them and have been refused the opportunity to cross-examine their accusers. This, on the phony charge that it would violate our national security.

And the best of all is yet to come. Until recently, it was the policy of the Commission to make partial awards to claimants accused of collaboration, despite the fact that the law specifically states that no compensation shall be paid to any prisoners of war who without duress collaborated with or aided and assisted the enemy.

I have pointed out this clear violation in administering the law to the Foreign Claims Settlement Commission continuously over the past 6 months, but it was not until congressional hearings were scheduled that the Commission took remedial measures.

What did they do? Very simple. They simply went back and made full payment to each claimant who previously had received a partial payment.

But there remain individuals throughout the country who have not been so fortunate. The shadow of guilt continues to hang over their lives. Many have been decorated for wounds received and for bravery in action and have been honorably discharged from the service of their Nation.

But the Foreign Claims Settlement Commission, using the most outrageous rules of procedure ever to come to my attention, have in effect branded these men as collaborators with the enemy and traitors to their country. I can assure these individuals, the Members of this House, and the Foreign Claims Settlement Commissioners that so long as I draw breath, I will continue to do everything within my power to expose the shallow, corrupt, and deceitful procedures which have robbed these American veterans of the rights for which they fought.

I commend Mr. DIES for the substance of his amendment, and I will support it enthusiastically.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DIES].

The amendment was agreed to.

Mr. ROGERS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: Amend H. R. 627 by striking out all of section 101 beginning on line 21, page 19, to and including all of line 14 on page 20, and all of line 15 on page 20 and inserting in lieu thereof the following:

"SEC. 101. (a) There is hereby created a Commission on Civil Rights (hereinafter called the 'Commission').

"(b) The 'Commission' shall be composed of six Members of the Congress of the United States of America, 3 of which shall be duly elected and qualified Members of the United States House of Representatives and 3 shall be duly elected and qualified Members of the United States Senate. The Members of the House of Representatives shall be appointed by the Speaker of the House of Representatives, 2 representing the majority political party and 1 representing the minority political party. The Members representing the Senate shall be appointed by the President of the Senate, 2 representing the majority political party and 1 representing the minority political party. At no time shall there be more than four Members on the 'Commission' from the same political party.

"(c) The Members of the 'Commission' shall elect a Chairman and Vice Chairman. In the absence of the Chairman, or in the event of a vacancy in that office, the Vice Chairman is hereby authorized to act. In the absence of both the Chairman and Vice Chairman, or in the event of a vacancy in those offices, the remaining members of the 'Commission' shall designate a Chairman and Vice Chairman to fill the vacancies.

"(d) Any vacancy in the 'Commission' shall not affect its powers. Such vacancies, if any, shall be filled in the same manner and subject to the same limitation with respect to party affiliations as original appointments are made.

"(e) Four members of the 'Commission' shall constitute a quorum.

"(f) The said Commissioners shall be appointed for a term of 2 years and 60 days

from August 1, 1956. Upon the expiration of the said 2 years and 60 days, the said 'Commission' shall terminate and cease to exist for any and all purposes.

"(g) The members of the 'Commission' shall be reimbursed for actual and necessary travel expenses or shall receive a per diem allowance of $12 in lieu thereof, but shall not be entitled to any compensation other than the compensation received by them as Members of the Congress of the United States of America."

Mr. KEATING. Mr. Chairman, I make a point of order against the amendment that it is not germane. This amendment seeks to set up a joint congressional committee. As such, the jurisdiction over such procedure would come within the Rules Committee. This is a matter which has never been passed upon by the Rules Committee. A bill for the purpose which the gentleman seeks here would have been referred to the Committee on Rules and not to the Committee on the Judiciary. It is not within the purview of the measure, of course.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. ROGERS of Texas. Mr. Chairman, it seems to me rather odd that a point of order is made. I had suspected that a point of order might be made to this proposed amendment, because there seems to be a trend to continue bureaucracy that has this Nation by the throat at this time. It seems rather odd to me that the rules of this House would be so construed that the House of Representatives could pass a law creating in the executive branch of the Government a bureaucracy made up of members who are appointed, yet they do not have the power as the House of Representatives, duly elected representatives of the people, to set up a committee composed of the Members of their own House.

The CHAIRMAN (Mr. FORAND). The Chair is prepared to rule.

The gentleman from Texas [Mr. ROGERS] offers an amendment to which the gentleman from New York [Mr. KEATING] has made a point of order. The Chair has examined the amendment and finds that while the bill provides for the establishment of a Presidential commission, the amendment would provide for the appointment of what is tantamount to a joint committee composed of Members of the Senate and the House of Representatives, which is clearly a deviation from the original purpose of the legislation.

For that reason, the Chair sustains the point of order.

The Clerk read as follows:

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 102. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

Mr. COOLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the fact that the House has just adopted the amendment offered by the gentleman from Texas should be convincing proof of the fact that the bill as presented to us by the committee was a monstrous measure. The gentleman from Texas and other Members who have spoken in opposition to this bill ably and well exposed the evils inherent in the measure and the wrongs which will be visited upon our people if this bill is enacted. This bill is a booby trap that will blast the fondest hopes of its sponsors, and it will prove to be a Frankenstein which will haunt them even in their dreams.

I compliment the distinguished gentleman from New York upon the friendly spirit which has characterized his conduct during the course of this debate.

Mr. Chairman, this has been one of the most magnificent debates I have heard during the long years that I have served here. I do not believe that any group of speakers could have done a better job than those who have spoken in opposition to this bill. After hearing this great debate, we now know what this measure really is. The gentleman from Lousiana [Mr. WILLIS], the gentleman from North Carolina [Mr. JONES], and one Member after another stripped this bill of all its camouflage and the vicious provisions now stand in stark nakedness before us. This bill will destroy civil rights and do great violence to the privileges which our citizens now enjoy.

I do not question anyone's sincerity nor shall I impugn anyone's motives; but to speak forthrightly and frankly, I must say that I do not believe that the President of the United States really wants to do anything about civil rights and if this bill is enacted, I believe that it will even haunt him. If the President really wanted action, why has this bill been pigeonholed in the House committee from the date it was introduced on January 5, 1955, until May 21, 1956? What actually prompted the reporting of this measure on May 21, 1956, after the bill had been sleeping in the committee for all these many months? Surely, not much time was consumed in the drafting of the measure because it is poorly drafted. But even under the poorly drafted provisions, all of the constitutional rights of citizenship could be taken away and destroyed—sacred rights which have been guaranteed to all of our citizens by the organic law of our Nation. It is difficult for many to understand how any lawyer familiar with the legal jurisprudence of our country could in good conscience vote for this un-American measure.

I say that it is dangerous, that it will haunt those who sponsor it. I am not aware of the fact that a single man or woman in my congressional district is being oppressed, nor am I aware of the fact that any of them are being denied the protection of the law. Thousands upon thousands of times the law enforcement officers of the South have risked their own lives to protect the lives and the liberties and the property of the colored people of the South. That is well known. You do not have to outlaw lynching. Lynching is murder in every jurisdiction in this country.

This bill is a bill to perpetuate McCarthyism, to continue it in operation, to establish a Gestapo with snoopers, going into all the homes and houses of this country. Yes, it will plague the employer and the employee.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent Mr. COOLEY was allowed to proceed for 3 additional minutes.)

Mr. COOLEY. Mr. Chairman, I have listened attentively to this debate and I have not heard a single plausible argument in behalf of the bill. The President has appointed more commissions, he has created more committees than any President in my day and generation. He has an Advisory Committee on Education, he has an Agricultural Advisory Committee and numerous other committees and commissions. Did we authorize them. No. He is paying these committees and commissions and they are advising him, not us. They do not report to our congressional committees. If he wanted to establish a commission why did he not do it on his first day in office? Why did he not do it in the first year, in the second year, or in the third year? If he wants to direct one of the Assistant Attorneys General to protect the civil rights of citizens, why does he not call in his Cabinet officer, the chief law-enforcement officer of America, and direct him to call upon one of his assistants to go to the rescue of people who are being oppressed? If he wants to create another division within the Department of Justice, what is to keep him from issuing an appropriate Executive order creating such a division? Oh, no; he does not do that. All of us know that the President can do under his own power everything he would be able to do under this bill that should be done.

I have had experiences similar to the one discussed by the gentleman from Texas [Mr. DIES]. Such denials and investigations are nauseating to any lawyer who knows anything about the legal jurisprudence of America. I have appeared in these kangaroo courts. I know that constitutional rights and privileges are ravished and violently ignored. The accused is denied the right to confront his accusers. He is denied a bill of particulars or a bill of indictment, rules of evidence are destroyed. Hearsay evidence is freely admitted and they constitute a disgrace to the legal jurisprudence of our Nation. The judges in most instances have already condemned and convicted the accused. It makes no difference what your legal achievements have been, nor how persuasive an advocate you are. You as a lawyer will be of little value in the kangaroo courts which will be established under this bill.

The enacting clause should be stricken out and we should end this discussion and turn our attention to more important business.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

Mr. HESELTON. Mr. Chairman, I objected, and I intend to object.

The CHAIRMAN. The gentleman was not on the floor at the time he objected.

Mr. HESELTON. I was.

The CHAIRMAN. The Chair did not observe the gentleman. The committee will be in order, and the gentleman from North Carolina is recognized for 2 additional minutes.

Mr. COOLEY. I regret that the gentleman does not want to hear any more of the truth about this matter. I have been here for days and hours, and I have only asked for a few brief minutes. This is what you would expect in a kangaroo court. They would probably limit counsel to 3 minutes to speak in behalf of the rights of an American citizen who happens to be accused.

How many of you have received communications from citizens of your districts who even contend that they are being oppressed and mistreated? I have not received a single communication. I look upon this bill as nothing but deception and fraud. Some may think that it will be politically to their advantage, perhaps, to vote for this bill because it is called a civil-rights bill. It will be too late after you enact this vicious and evil bill to complain about it then. I know that most of you have your minds made up, but those of you who sat here and voted for the Dies amendment a moment ago must face your consciences if the roll is called and you are called upon to go on record. Everybody in the gallery knows and everybody here knows that there were only a few feeble noes against that good amendment.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from California.

Mr. McDONOUGH. Do I understand the gentleman is condemning his own party's chairman for bringing this bill to the House?

Mr. COOLEY. No; I am not condemning the chairman; I am not condemning anybody. Everybody has a perfect right to exercise his own free will and be guided by his own conscience. That is your privilege. I compliment the chairman for being so friendly and so fair in this debate.

I accord to every Member the right to vote his own convictions. Mr. Chairman, no one can now say that they do not understand the provisions and the far-reaching implications involved in this measure. You and all of you know now what it really is. I again appeal to you to condemn and defeat this un-American measure and to kill this monster which will destroy rather than protect the rights of our citizens.

Mr. BARRETT. Mr. Chairman, we have just completed 2 full days of general debate on H. R. 627, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States. I am pleased to state here I was among the first to sign the discharge petition on this bill in order that it could be brought before the House for debate and a vote.

I have followed the debate very closely and have been amused and, at the same time, very much disgusted with the wrangling and bickering that has taken place here on the floor. From all appearances, one would think the House was holding a combined Democratic and Republican national convention.

During the debate on the bill, this thought occurred to me, "What are we as human beings trying to do to our Negro citizens. Elevate them to their rightful place in society—as they should be—or beat them down into the pit of slavery." Slavery is indeed an ugly word and its practice during the early formation of our country was equally as repulsive. In 1776, our young Nation awoke to the fact that all men are created equal and are endowed by God with the right of life, liberty, and the pursuit of happiness.

How the Negro people since their arrival on our shores have managed to survive the ridicule and injustices hurled at them is beyond me. Yet they have survived and with God's help and our guidance, they will endure.

In my congressional district I have approximately 90,000 Negro constituents. I am pleased to say I know thousands of them personally and address them by their Christian name. They are law abiding, religious citizens and their greatest desire is to live in peace and harmony.

In order to insure and protect their rights as American citizens, I introduced a series of bills in February 1955, because it was my honest desire to help in every way to improve their lot. Many of the proposals contained in the bill under discussion now are identical to those I introduced, so you can understand why I wholeheartedly endorse the bill and urge that it be passed immediately.

In an effort to acquaint the reading public with all the facts on this vital issue, many editorials have appeared in our local Philadelphia papers. With your permission, Mr. Chairman, I would like to close my remarks with the following article entitled "Bigotry Gesture in South," which recently appeared in the Philadelphia Inquirer:

BIGOTRY GESTURE IN SOUTH

The race bigots in Louisiana are probably patting themselves on the back as a result of the signing by Gov. Earl Long of a new law banning interracial athletic contests and other events in the State. But actually the measure represents a rather pathetic attempt to set back the clock. Even Governor Long has predicted that the law will end up in the courts.

At a time when racial segregation has been dealt one blow after another by the Nation's courts, Louisiana is hardly making itself look good by enacting new and harsher restriction laws—that will probably be thrown out as illegal in due course when subjected to judicial review.

Under the latest statute, professional and amateur contests in which Negroes and whites participate are barred in the State. College football schedules, minor league baseball games, major league exhibition contests, and Sugar Bowl events will all be affected. The bill also requires separate seating, sanitary drinking water, and other facities for white and Negro spectators at sports events within the State—a provision that may in itself keep some northern and western teams out of the Sugar Bowl.

As a gesture of resentment at the Supreme Court decision on school segregation, the Louisiana restrictions are futile. New laws compounding past injustices cannot be allowed to stand.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, in last night's Evening Star of Washington, D. C., there appears a most penetrating editorial with respect to the bill we are debating here today, which I sincerely hope each member of this body will read most carefully and ponder most heedfully. It bears the quaint caption "Alice Outdone." The editor seized upon this title as a result of an exchange earlier in this debate between two of our distinguished Members in which reference was made to a tete-a-tete between Alice and Humpty-Dumpty, with Alice asking "How can you make words mean so many different things?"

After quoting the give and take between our two distinguished colleagues, the editorial comments upon the bill now before us in the following language:

It is our understanding that the Attorney General wrote the bill. But maybe Alice or Humpty-Dumpty, had a hand in it. At any rate its words mean, or could mean, so many different things that we think it ought to undergo careful, thorough and searching study before it ever becomes law.

To this last admonition I humbly utter a sincere and devout "Amen." Before discussing the vagueness and ambiguity of those words used in the bill, I should like to call the atention of my colleagues to the keen observation the Evening Star writer made at the outset of the editorial to which I have referred:

The expectation is that the House, with both Republicans and Northern Democratics reacting in the usual way to political presure, will pass the civil rights bill. There is an equally strong expectation that it will not pass the Senate.

It is a good thing, in our judgment, that it will not. For anyone who takes the trouble to read the record of the House debate cannot fail to come away with the firm impression that few, if any, House Members fully understand the implications of this far-reaching bill.

I frankly plead guilty to being one of those House Members who fail fully to understand the implications of this far-reaching bill. This is true in spite of the fact that I have studied the bill carefully, have gone over it painstakingly many times, and sincerely have tried to come up with an honest understanding as to just what the Commission on Civil Rights and the Attorney General could or could not do if unfortunately the bill ever were to become the law of this land. While I do not profess to be an eminent constitutional lawyer such as are many of my distinguished colleagues, I have practiced law for a number of years, and also

served as a judge for a period of time. This experience is of no avail to me in attempting to arrive at any conclusion with any remote degree of certainty as to what protection a citizen might have against the whimsical actions of the proposed Commission on Civil Rights or the Attorney General under the novel and frightening new powers given to him by the misty language employed in the bill.

I also am firmly of the opinion that the Evening Star is correct in charging that few, if any, of my fellow members fully understand the implications of this far-reaching bill. In concurring in this opinion expressed by a most cautious and carefull newspaper, I am not reflecting unfavorably upon the intelligence of my friends here. Neither do I apologize for my own lack of understanding of just what could or could not be done under the bill.

The perplexity those of us who are lawyers encounter is that the language used is not the language used in any laws which we have been called upon to interpret and pass upon in the past. The wording of the bill constitutes a departure from that degree of certainty and definiteness in a law which we were taught in law school was required in a law if its validity were to be upheld. Whether we are lawyers or not we must be appalled by the looseness of the language used and the utter lack of any circumscription on the powers granted to the Commission and the Attorney General.

I do have one conviction as a result of careful study of the words in the bill. A preying, meddlesome Commission on Civil Rights could go just as far as its members pleased in invading the privacy of our citizens. An Attorney General, under the influence of a pressure group, or for selfish political gain would suffer from no restraint in starting harassing injunctive proceedings against perfectly innocent individuals who might be singled out for such action.

Many speakers preceding me have gone through the bill, section by section and pointed out the ill-defined and inexplicit terms of the bill and indicated how they could mean whatever possible unscrupulous designees of authority under the bill might desire them to mean. Previous speakers also have pointed out what violence the powers granted under the bill do to our established traditions of jurisprudence and fair play. I shall not take the time of this body to go over that ground again.

I merely ask my fellow members to give serious consideration to what you have heard from other Members concerning the abstruseness of, or the unbridled license implicit in, such language as "investigate the allegations that certain citizens are being subjected to unwarranted economic pressures"; "study and collect information concerning economic, social, and legal developments constituting a denial"; "appraise the laws and policies of the Federal Government with respect to equal protection of laws"; "whenever any persons have engaged or are about to engage in any acts or practices"; "no person, whether acting under color of law, or otherwise."

Likewise, I appeal to you to take heed to what you have heard from others who have taken part in this debate with respect to how foreign to our system of jurisprudence is the provision:

The district courts of the United States shall have jurisdiction * * * and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

Moreover, I would ask you to give regard to the questions which have been raised as to the propriety and advisability in the following strange provisions of the bill: authorizing the proposed Commission to utilize the services of volunteers and then paying them $12 a day; giving the Commission the unbridled power to issue subpenas; creating a new position of Attorney General; authorizing the Attorney General to institute action on behalf of a party even though the latter does not request or authorize him to do so; making the United States liable for costs in an action for the benefit of a private party.

Mr. Chairman, I have another request that I should like to make of my fellow Members of the House. Before voting on this bill, I urge that you read a speech made by one of the greatest Republican liberals and one of the greatest constitutional authorities who ever served in the Senate of the United States—Hon. William E. Borah, of Idaho. Senator Borah made the speech on January 7, 1938, as a part of the debate which took place on another bill relating to the same issue involved here. Not only does his speech contain a full and carefully documented history of the problems facing the South, but it also furnishes a keen analysis of the legal effects of the bill. What the illustrious Senator Borah said at that time is equally applicable to the bill before us now.

I oppose this so-called civil-rights bill for the same reasons Senator Borah opposed the earlier bill. In closing, I adopt the following quote from him as mine and apply it to this bill.

But I call attention to this feature now which must be of concern to every Member of this body, to everyone who believes in our dual system of government. This bill as it is drawn—observe my language—this bill as it is drawn strikes at the very heart, at the very life of local self-government. I ask Senators to reread the bill in the light of that assertion. It would place a construction upon the 14th amendment never contemplated by the men who wrote it—in fact, specifically rejected by them—and which, in my opinion, a fair construction in no sense sustains.

The Clerk read as follows:

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

DUTIES OF THE COMMISSION

SEC. 103. (a) The Commission shall—

(1) investigate the allegations that certain citizens of the United States are being deprived of their right to vote or are being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origin;

(2) study and collect information concerning economic, social, and legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President at such times as either the Commission or the President shall deem desirable, and shall submit to the President a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from the date of the enactment of this statute.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

Mr. JACKSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACKSON: On page 21 strike out lines 9 through 13 and insert the following:

"(1) investigate the allegations that certain citizens of the United States are being deprived of their right to vote or obtain employment, or are being subjected to unwarranted economic pressures, by reason of their color, race, religion, national origin, or membership or nonmembership in a labor or trade organization."

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. I make the point of order that the amendment is not germane.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. JACKSON. Yes. Would the gentleman reserve his point of order?

Mr. CELLER. Does the gentleman insist upon germaneness, or does he want 5 minutes to speak?

Mr. JACKSON. Well, never mind. Let the point of order stand.

Mr. CELLER. Mr. Chairman, I make the point of order that the amendment of the gentleman from California is not germane.

Mr. KEATING. Mr. Chairman, I join in the point of order.

The CHAIRMAN. The Chair will hear the gentleman from California [Mr. JACKSON] on his point of order.

Mr. CELLER. Mr. Chairman, if the gentleman wishes, I should be glad to reserve the point of order. I did not intend any slight to the gentleman from California, I assure him.

Mr. JACKSON. I thank the gentleman.

The CHAIRMAN. The gentleman from California [Mr. JACKSON] may be heard on his point of order.

Mr. JACKSON. Mr. Chairman, I should like to say first of all that this amendment is not being offered as a dodge or a subterfuge but in the sincere conviction that something of this sort is needed in a civil-rights bill. I believe that the committee in the language contained in the bill on page 21, lines 11 and 12 in no way limits the scope of the authority of the Commission in the investigation of reported infringements of

the right to vote. The bill proposes very clearly that the Commission shall inquire also into instances where—and I quote the language of the bill—"citizens of the United States * * * are being subjected to unwarranted economic pressures."

Certainly this throws the matter wide open. It throws it open, in my opinion, Mr. Chairman, in any case where there is a suggestion or an instance of unwarranted economic pressures. Certainly any unwarranted economic pressure that would serve to place a citizen of the United States on an economic blacklist falls within this category.

I submit, Mr. Chairman, in conclusion, that it is upon that point that the amendment which I have offered is germane. If there is any fundamental civil right in the United States it is the right of a citizen to be employed; it is a civil right for him to have the privilege of feeding and clothing his family.

I wish to say nothing more on the point of order, Mr. Chairman, except I hope the chairman's wisdom will make him see fit to overrule the point of order.

The CHAIRMAN. Does the gentleman from New York [Mr. CELLER] desire to be heard on the point of order?

Mr. CELLER. Very briefly, Mr. Chairman. I believe the amendment would change the whole complexion of the bill. The purpose of the bill is to prevent and to redress deprivation of constitutional civil rights on the grounds of race, color, religion, or national origin. All through the provisions setting forth the duties of the Commission we find the words "race, color, religion, or national origin." That part that the gentleman read contained the words "economic pressures" and the phrase in the bill reads: "Unwarranted economic pressures by reason of their color, race, religion, or national origin."

For that reason, I insist on my point of order.

The CHAIRMAN. Does the gentleman from New York [Mr. KEATING] wish to be heard on the point of order?

Mr. KEATING. Mr. Chairman, I just want to add to what the chairman has said, that the suggestion if it were offered separately by the gentleman from California in another bill probably represents a matter on which the Congress should work its will, in the proper way. If it were offered, it would be referred to the Committee on Education and Labor and would not fall within the province of the Committee on the Judiciary. For that reason I also feel the point of order is well taken.

The CHAIRMAN. The Chair is ready to rule. The gentleman from California [Mr. JACKSON] has offered an amendment to the bill H. R. 627 now under consideration. The Chair has examined the amendment and also the language of the bill as referred to by the gentleman from California. The Chairman finds that the bill itself has to do with matters of economic pressure by reason of their color, race, religion, or national origin.

The amendment of the gentleman from California goes beyond that and extends to membership or nonmembership in labor or trade organizations. The Chair holds that the amendment is not germane. The point of order is sustained.

Mr. SMITH of Virginia. Mr. Chairman, I appeal from the decision of the Chair.

Mr. ROGERS of Colorado. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Colorado. Can the decision of the Chairman of the Committee of the Whole be appealed, under the rules?

The CHAIRMAN. It can.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. On this appeal from the ruling of the Chair, do I understand correctly that in voting on it we are voting not on the merits of the proposition submitted by the gentleman from California but rather on whether the Chair is correct in his ruling?

The CHAIRMAN. That is correct.

The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes had it.

So the decision of the Chairman stood as the judgment of the Committee.

Mr. McDONOUGH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDONOUGH: Page 21, line 12, after "their", insert "sex."

Mr. KEATING. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill.

Mr. CELLER. Mr. Chairman, I also make the point of order that the amendment is not germane, and I should like to be heard on that.

The CHAIRMAN. Does the gentleman from California care to be heard on the point of order?

Mr. McDONOUGH. I do, Mr. Chairman.

Mr. Chairman, section 103, with which I am sure the Members are thoroughly familiar, deals with the duties conferred upon the Commission. My amendment would add to paragraph (1) of section 103 that sex would be a justifiable reason for the Commission to investigate, along with color, race, religion, and national origin.

I see no reason why this should not be germane to the duties of the Commission, because sex is a category just as much as color, race, or religion. Certainly there is sufficient evidence that unwarranted economic pressures have been applied to people because of sex.

The Congress has had before it for a number of years a proposed amendment to the Constitution of the United States which would if adopted provide equal rights for women, or remove the question of sex as a means of discrimination in this country. Certainly the duties of the Commission under this bill with respect to color, race, religion, or national origin relate to matters of discrimination or the bill would not be before us. It is because there are discriminations against people in those categories that this bill is before the Congress today. In my opinion, there is no reason why sex should not be included and the Commission be permitted to investigate why economic pressure has been placed against people because of sex.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McDONOUGH. I yield to the gentleman from Louisiana.

Mr. WILLIS. Is it not so that what this section deals with is the creation of the Commission and permitting the Commission to engage in certain investigations?

Mr. McDONOUGH. That is right.

Mr. WILLIS. Certainly we are not legislating on anything on the question of germaneness. We are directing the Commission to make certain investigations. Therefore, why is it not germane to add to the duties of the Commission?

Mr. McDONOUGH. I certainly agree with the gentleman's reasoning there. In my opinion, if sex is not germane, Lord help the human race.

Mr. Chairman, that is all I have to say.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, having been apprised of the amendment of the gentleman from California [Mr. McDONOUGH] we studied this amendment a bit last night and I came up with these arguments against the germaneness of the amendment.

First, the amendment would change the entire purport of the bill. If we are going to permit the word "sex" in the bill and allow that to be the subject of the investigation of the Commission, you may as well allow the word "youth" in there or "adolescence" or "spinsterhood" or "old age" or "dotage" or what-have-you. The bill concerns the protection of constitutional rights against the deprivation by reason of race, color, or creed or national origin and concerns the denial of equal protection of the laws under the Constitution. These constitutional protections have never—have never been considered relevant or germane to women's rights.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. McDONOUGH. Does the gentleman maintain that the words "national origin" are more germane to the categories that the commissioners may investigate than the question whether a woman or a man is given an opportunity to work in this country?

Mr. CELLER. That is an address to the merits or the demerits of the amendment. I am speaking of the germaneness of the amendment. The 14th amendment to the Constitution, and this bill concerns much of the 14th amendment, prohibits the denial by State action of the equal protection of the laws, but distinctions based on sex have never been considered within the purview of this prohibition. Likewise, the 14th amendment prohibits State action

abridging the privileges and immunities of citizens of the United States.

As long ago as 1872, it was recognized that this had no relation to women's rights. In the case of *Bradwell* v. *Illinois* (83 U. S. 139), decided in 1872, the Supreme Court of the United States was asked to compel the State of Illinois to admit Myra Bradwell to practice law. The court refused although she claimed this to be a privilege and immunity guaranteed her by the Constitution of the United States. Likewise, the statutes which make distinction between men and women for the purposes of jury service have been held not to deprive a constitutionally guaranteed privilege and immunity. This principle applies to the privileges and immunities clause of article IV, section 2 of the Constitution, which provides:

Citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States—

As well as to the like provision in the 14th amendment. Uniformly, the courts have held that the 14th and 15th amendments and the clause that I have just read of the Constitution are never to be considered by way of a deprivation or discrimination rather, between a man and a woman. This bill also relates to the protection of the right to vote against deprivation based on race or color. The 15th amendment of the Constitution is implemented by this legislation. It provides:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

The 19th amendment, the women's rights amendment, was necessary to cover that matter. Otherwise women could not vote. None of the constitutional rights considered in this bill relates in any way to the subject of the proposed amendment. Senate Joint Resolution 39, pertaining to equal rights for women, is now pending in the Senate. To amalgamate these wholly different subjects is contrary to the rules of the House and will do no justice to the consideration of either that joint resolution or this bill now before the House. Nor will it give proper consideration to a resolution offered by the distinguished lady from New York [Mrs. ST. GEORGE], for whom we all have a most affectionate regard. It would hurt the consideration of that amendment.

Mr. KEATING. Mr. Chairman, since we have adopted the rules set forth by the gentleman from Texas, it seems I should withdraw my objection to investigations by this Commission. However, I feel that I must press the objection so well set forth, that to add these words would completely change the tenor and character of this legislation. For the same reasons that we ruled out the amendment submitted by the gentleman from California [Mr. JACKSON] this should be ruled out. I know how hard the gentleman from California [Mr. MCDONOUGH] has worked on this problem, as well as our colleague, Mrs. ST. GEORGE, but this is not the proper place to present an argument on this issue.

Mrs. ST. GEORGE. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield.

Mrs. ST. GEORGE. Mr. Chairman, as I have a certain interest in this because the equal rights amendment has been mentioned by my very dear and distinguished colleague from New York, I would like to say first of all that I am a little at a loss whenever the word "sex" is brought into any argument on the floor of the House of Representatives it is immediately assumed to mean only the female sex. I do not know what you gentlemen think you are. I do not know what my distinguished friend from New York [Mr. CELLER] thinks he is, but I have always been under the impression that he and you all belong to the male sex.

This bill is a bill on civil rights, and I can see no reason why civil rights should not apply to people of both sexes just as much as it applies to people of different color. There is discrimination on account of sex, not always against females; sometimes against males. We have recently had a bill before my own committee on retirement, and it has been my great pleasure to insist that whenever the word "widow" occurs the words "and widower" shall be added. So you see, what is sauce for the goose is sauce for the gander. I am sorry that there is such opposition to this on the ground that it would affect women. I do not know what the great objection is to women having equality under the law or equal civil rights.

My friend from New York has always been opposed to this. I believe he is secretly at heart a misogynist—and that is a $64 word. I would also say that in spite of these remarks of mine I am truly devoted to my friend from New York.

The CHAIRMAN. Is the lady speaking to the point of order?

Mrs. ST. GEORGE. Yes; but could I make a few allusions?

The CHAIRMAN. The lady will confine her argument to the point of order.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentle lady yield?

Mrs. ST. GEORGE. Yes; I yield.

The CHAIRMAN. The lady cannot yield.

Mr. HOFFMAN of Michigan. As long as no one is objecting.

The CHAIRMAN. The Chair is here to maintain order.

Mr. HOFFMAN of Michigan. And the Chair objects to her talking?

The CHAIRMAN. The Chair wants to be informed on the point of order.

Mrs. ST. GEORGE. I personally can see no reason why the word "sex" should be omitted from this bill any more than the word "religion," or "color." I have not yet heard it satisfactorily explained, although I will admit that there has been a great deal of eloquence, and the question of women's rights has been introduced in the committee where I quite agree it has no place, where I certainly did not intend to bring it.

I am sorry I have been interrupted; I have some very charming things to say about my colleague from New York which unfortunately now will be lost to posterity.

Mr. MCDONOUGH. Mr. Chairman, will the gentleman from New York yield?

Mr. KEATING. I yield.

Mr. MCDONOUGH. The gentleman from New York has yielded to me to ask the gentlewoman from New York a question.

The point of order is raised on whether or not discrimination on account of sex should not be included among the investigative duties of the Commission. Does not the gentlewoman agree that this is not legislation, this has not any comparison to the citations read by the gentleman from New York [Mr. CELLER] of court decisions, this is not in the same category; this is merely conferring upon the Commission duties to investigate a category of citizens that is of a comparative nature to race and religion?

Mrs. ST. GEORGE. I quite agree with my friend. As I read this bill it does nothing but appoint a Commission to investigate, and I might also say in view of what my good friend from New Jersey [Mr. TUMULTY] said the other day, that I can very well see some woman going down the street. The Attorney General might be looking out the window and say, "Well, she obviously is being very put upon," and he probably would be right—a great many are sorely put upon. So then he would use these investigators and other individuals to investigate the plight of this citizen who happened to be a woman, and under this she would be deprived of any redress of any kind at all. That is my understanding from what the gentleman from New York has just told us.

The same would apply to a man if for some reason——

The CHAIRMAN. The Chair must insist that the gentlewoman speak to the point of order which is whether or not the word "sex" is germane to the legislation.

Mrs. ST. GEORGE. I have repeated that it is; I am now trying to prove why it is. I am trying to prove that under this bill you exempt certain people for this reason——

The CHAIRMAN. The Chair understands that very well. The Chair wants to know whether or not this is germane, not why it is germane.

Mrs. ST. GEORGE. In my opinion, sir, it is germane.

Mr. BURDICK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BURDICK. I have been observing this debate and I have observed what the gentlewoman has said. She appears to be talking to the point and as far as I know is in complete order.

Mr. TUMULTY. Mr. Chairman, will the gentlewoman yield for a question?

Mrs. ST. GEORGE. Will the gentleman ask that of the gentleman from New York, please?

Mr. KEATING. Mr. Chairman——

The CHAIRMAN. The gentleman from New York has the floor. Does he yield or is he going to help the Chair make a decision?

Mr. KEATING. I am going to clear up one point raised by the gentlewoman to the effect that this bill will apply to men and women alike, as there is no discrimination on the ground of color, race, religion, or national origin.

Mr. TUMULTY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The Chair is prepared to rule.

Mr. SMITH of Virginia. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. SMITH of Virginia. I want to be heard rather seriously, because I was shocked——

The CHAIRMAN. The Chair hopes it will be serious.

Mr. SMITH of Virginia. Shocked by the decision of the Chair.

In the first place, this is a bill entitled "A bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States."

That does not confine itself to color; it does not confine itself to race, religion, or national origin, but it is a bill to protect all civil rights. That is what it is intended for.

Mr. Chairman, to confine this bill to these four classes of people, and to rule out all and every protection of other civil rights seems to me is going far beyond the precedents that have heretofore governed us in the consideration of bills.

Mr. TUMULTY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New Jersey.

Mr. TUMULTY. Is it not a fact, unless my information is incorrect, that our color and our race and our national origin is derived from sex?

Mr. SMITH of Virginia. I believe the gentleman is right about that.

Mr. TUMULTY. Otherwise I have been misinformed.

Mr. SMITH of Virginia. Mr. Chairman, I can hardly conceive of any class of people who by courtesy in our usual American tradition should be more and better entitled to the protection of their civil rights than women. As the Chair doubtless knows, we have had a constitutional amendment pending for years to take care of the civil rights of women, but somehow or other it has never gotten out of the fine committee of the gentleman from New York [Mr. CELLER] and the gentleman from New York [Mr. KEATING]; but, nevertheless, there has been a great demand for it. There would not be a demand for it unless there was a violation of civil rights. We all know in our practice and in our experience in business that women are discriminated against daily and constantly in the matter of salaries and wages.

Let us take the right to work, which the Chair has ruled is not a civil liberty. Tell me what greater civil liberty there is than the right to work? It was not given to us by the Constitution of the United States, it was not given to us by the constitution of my State or your State or by any law of the Congress. It was given the first man ever born on this earth, Adam, when God ran him out of the Garden of Eden and said: "In the sweat of thy face shalt thou eat bread."

That was a Biblical command that he should work. When this House sets itself up to say by a parliamentary rule on so narrow a subject as civil rights that the most important civil rights to the existence of mankind, the right to work, is not a civil right, in my opinion is not proper.

Mr. McDONOUGH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McDONOUGH. The Chairman ruled against the gentlewoman from New York for not confining her remarks to the point of order. I appreciate what the gentleman from Virginia is now saying, but he is talking about a point of order made to a previous amendment.

The CHAIRMAN. The gentleman will confine his remarks to the point of order on the amendment under consideration.

Mr. SMITH of Virginia. Mr. Chairman, I am talking about the narrow view we are taking on the question of civil rights. I mentioned the right to work as merely an illustration. If it hurts anybody's feelings on account of the implications that surround the right to work, then I apologize. But, Mr. Chairman, the purpose of that illustration was merely to bring to the attention of the Chair the very narrow limitation which he has put upon this bill and which is going to narrow this bill so that a great many pertinent amendments on the violation of civil rights cannot be considered by the committee when it is considering the whole general question under the title of the bill as violations of civil rights.

The CHAIRMAN. The Chair is prepared to rule. The Chair may say to the gentleman from Virginia, however, that he should not prejudge what the Chair is going to rule.

Mr. SMITH of Virginia. I was not doing that, Mr. Chairman.

The CHAIRMAN. The previous amendment had to do with a class that came within the jurisdiction of another committee of the Congress.

The gentleman from California [Mr. McDONOUGH] has offered an amendment, to which a point of order has been made. The Chair has heard the arguments, he has read the bill, he has read the amendment and finds that by adding the word "sex" to the other four categories listed herein the subject is germane and so rules.

The Chair, therefore, overrules the point of order.

Mr. McDONOUGH. Mr. Chairman, in the interest of time, it seems to me that enough has been said about my amendment and the purpose of it to limit the debate to a minimum in order to vote on the question. I merely want to say briefly that the addition of the word sex to the other categories would broaden the scope and bring to the attention of the public the question of discrimination because of sex, both male and female. This is not a facetious amendment. It is submitted with my sincere convictions of its reason and its purpose. In checking the record since this session of the Congress, I find an honor roll of some 219 Members of the House who have agreed with the gentlewoman from New York [Mrs. ST. GEORGE] in her proposal to amend the Constitution of the United States to bring about an equality of the sexes or to prevent discrimination because of sex under the Constitution. Most of the women of the Congress have agreed with her. I have here a statement from Judge TRIMBLE, of Arkansas, to Mrs. ST. GEORGE stating that he is glad to become a sponsor with her for that amendment. I have here an excerpt from a letter from BROOKS HAYS, of Arkansas, stating likewise. And, as I said before, the list contains the names of 219 Members of the House who have agreed to sponsor the equal rights amendment to the Constitution. Here is a list of these names:

SPONSORS OF THE EQUAL RIGHTS AMENDMENT—TOTAL 219

Alabama: FRANK W. BOYKIN; CARL ELLIOTT, GEORGE HUDDLESTON, JR.

Arizona: JOHN J. RHODES, STEWART UDALL.

Arkansas: WILBUR D. MILLS, OREN HARRIS, W. F. NORRELL.

California: HUBERT B. SCUDDER; JOHN E. MOSS, JR.; WILLIAM S. MAILLIARD; JOHN F. BALDWIN, JR.; JOHN J. ALLEN, JR.; J. ARTHUR YOUNGER; CHARLES S. GUBSER; B. F. SISK; CHARLES M. TEAGUE; HARLAN HAGEN; GORDON L. McDONOUGH; DONALD L. JACKSON; CARL HINSHAW; EDGAR W. HIESTAND; CLYDE DOYLE; GLENARD P. LIPSCOMB; JAMES ROOSEVELT; HARRY R. SHEPPARD; JOHN PHILLIPS; ROBERT C. WILSON.

Colorado: BYRON G. ROGERS, WAYNE N. ASPINALL.

Connecticut: THOMAS J. DODD; HORACE SEELY-BROWN, JR.; ALBERT W. CRETELLA; ALBERT P. MORANO; JAMES T. PATTERSON.

Delaware: HARRIS M. McDOWELL, JR.

Florida: WILLIAM C. CRAMER; BOB SIKES; DANTE B. FASCELL; A. S. HERLONG, JR.; DWIGHT L. ROGERS; JAMES A. HALEY; D. R. MATTHEWS.

Idaho: GRACIE PFOST.

Illinois: WILLIAM L. DAWSON, WILLIAM E. McVEY, RICHARD W. HOFFMAN, TIMOTHY P. SHEEHAN, CHARLES A. BOYLE, MARGUERITE STITT CHURCH, LESLIE C. ARENDS, SID SIMPSON, WILLIAM L. SPRINGER, CHARLES W. VURSELL, KENNETH J. GRAY.

Indiana: E. ROSS ADAIR, JOHN V. BEAMER, CECIL M. HARDEN, WILLIAM G. BRAY, EARL WILSON.

Iowa: FRED SCHWENGEL, HENRY O. TALLE, H. R. GROSS, KARL M. LECOMPTE, PAUL CUNNINGHAM.

Kansas: WILLIAM H. AVERY, MYRON V. GEORGE, CLIFFORD R. HOPE, WINT SMITH.

Kentucky: WILLIAM H. NATCHER, BRENT SPENCE, CARL D. PERKINS, EUGENE SILER.

Louisiana: F. EDWARD HÉBERT, OTTO E. PASSMAN, GEORGE S. LONG.

Maine: ROBERT HALE, CHARLES P. NELSON.

Maryland: EDWARD T. MILLER; JAMES P. S. DEVEREUX, EDWARD A. GARMATZ, GEORGE H. FALLON, RICHARD E. LANKFORD, DEWITT S. HYDE, SAMUEL N. FRIEDEL.

Massachusetts: EDWARD P. BOLAND, HAROLD D. DONOHUE, EDITH NOURSE ROGERS, DONALD W. NICHOLSON.

Michigan: GERALD R. FORD, JR.; DON HAYWORTH; ALVIN M. BENTLEY; RUTH THOMPSON; VICTOR A. KNOX; CHARLES C. DIGGS, JR.; MARTHA W. GRIFFITHS.

Minnesota: EUGENE J. McCARTHY, COYA KNUTSON.

Missouri: GEORGE H. CHRISTOPHER; W. R. HULL, JR.; A. S. J. CARNAHAN; MORGAN M. MOULDER.

Montana: ORVIN B. FJARE.

Nebraska: PHIL WEAVER, ROBERT D. HARRISON, A. L. MILLER.

Nevada: CLIFTON YOUNG.
New Hampshire: CHESTER E. MERROW.
New Jersey: FRANK S. THOMPSON, JR.; PETER FRELINGHUYSEN, JR.; HARRISON A. WILLIAMS, JR.; WILLIAM B. WIDNALL; FRANK C. OSMERS, JR.; T. JAMES TUMULTY.
New Mexico: ANTONIO M. FERNANDEZ, JAMES J. DEMPSEY.
New York: STUYVESANT WAINWRIGHT; FRANK J. BECKER; HENRY J. LATHAM; ALBERT H. BOSCH; LESTER HOLTZMAN; VICTOR L. ANFUSO; ABRAHAM J. MULTER; JOHN H. RAY; ADAM CLAYTON POWELL, JR.; FREDERIC R. COUDERT, JR.; ARTHUR G. KLEIN; IRWIN D. DAVIDSON; HERBERT ZELENKO; SIDNEY A. FINE; ISIDORE DOLLINGER; CHARLES A. BUCKLEY; PAUL A. FINO; RALPH W. GWINN; KATHARINE ST. GEORGE; J. ERNEST WHARTON; LEO W. O'BRIEN; DEAN P. TAYLOR; BERNARD W. KEARNEY; WILLIAM R. WILLIAMS; HAROLD C. OSTERTAG; WILLIAM E. MILLER; EDMUND P. RADWAN; JOHN R. PILLION; DANIEL A. REED.
North Carolina: THURMOND CHATHAM, F. ERTEL CARLYLE.
North Dakota: USHER L. BURDICK, OTTO KRUEGER.
Ohio: GORDON H. SCHERER; JAMES G. POLK; THOMAS A. JENKINS; A. D. BAUMHART, JR.; WILLIAM H. AYRES; JOHN E. HENDERSON; FRANK T. BOW; J. HARRY MCGREGOR; WAYNE L. HAYS.
Oklahoma: PAGE BELCHER, ED EDMONDSON, TOM STEED, JOHN JARMAN, VICTOR WICKERSHAM.
Oregon: SAM COON, HARRIS ELLSWORTH.
Pennsylvania: WILLIAM A. BARRETT; WILLIAM T. GRANAHAN; JAMES A. BYRNE; EARL CHUDOFF; BENJAMIN F. JAMES; JOSEPH L. CARRIGG; IVOR D. FENTON; SAMUEL K. MCCONNELL, JR.; ALVIN R. BUSH; RICHARD M. SIMPSON; JAMES M. QUIGLEY; JAMES E. VAN ZANDT; JOHN P. SAYLOR; CARROLL D. KEARNS; FRANK M. CLARK; THOMAS E. MORGAN; JAMES G. FULTON.
South Carolina: L. MENDEL RIVERS, ROBERT T. ASHMORE.
South Dakota: HAROLD O. LOVRE, E. Y. BERRY.
Tennessee: JOE L. EVINS, CLIFFORD DAVIS.
Texas: BRADY GENTRY, BRUCE ALGER, OLIN E. TEAGUE, JOHN DOWDY, CLARK W. THOMPSON, FRANK IKARD.
Utah: HENRY ALDOUS DIXON.
Vermont: WINSTON L. PROUTY.
Virginia: RICHARD H. POFF, HOWARD W. SMITH, PAT JENNINGS, JOEL T. BROYHILL.
Washington: THOMAS M. PELLY, JACK WESTLAND, RUSSELL V. MACK, HAL HOLMES, WALT HORAN, THOR C. TOLLEFSON.
West Virginia: ROBERT H. MOLLOHAN, HARLEY O. STAGGERS, CLEVELAND M. BAILEY, M. G. BURNSIDE, ELIZABETH KEE, ROBERT C. BYRD.
Wisconsin: GARDNER R. WITHROW, WILLIAM K. VAN PELT, LESTER JOHNSON.
Wyoming: E. KEITH THOMSON.
Alaska: E. L. BARTLETT.
Hawaii: MRS. JOSEPH R. FARRINGTON.
Puerto Rico: ANTONIO FERNÓS-ISERN.

Mrs. ST. GEORGE. Mr. Chairman, if the gentleman will yield, we now have 225.

Mr. McDONOUGH. Here is an opportunity for those of you who sincerely believe that equal rights regardless of sex should be an amendment to the Constitution of the United States, to provide the Civil Rights Commission provided for in this bill with authority to investigate why there has been discrimination because of sex in the United States. This Commission can then submit their findings to us so that the Congress will be better advised and better informed on the equal rights amendment.

I have continuously favored this amendment because I believe that on the basis of freedom and equality for all, an amendment that women should not be discriminated against in their civil rights and their right to hold public office is necessary, and also that what constitutes such discrimination should be clarified with an appropriate amendment to the Constitution.

It is true that the United States was founded on the principles of freedom and individual liberty. And American women under our Government have enjoyed many privileges not accorded to their sex in other parts of the world. But freedom and liberty have degrees, and in many sections of our Nation, local and State laws have been enacted which restrict the rights of women and to a degree encroach upon their freedom and liberty as individuals.

At this time when the United States of America stands as a beacon light in the world dedicated to the cause of freedom and individual rights, it is essential that these same rights be protected within the United States for every citizen. And the only means by which discrimination against women in whatever form it may exist and wherever it may be found within the borders of our Nation can be ferreted out and eliminated is through enactment of the equal rights amendment to our Constitution which will establish that "equality under the law shall not be denied or abridged by the United States or by any State on account of sex."

The struggle of the American woman for equality with the men of this country is well known. They were barred from business and the professions. They were not permitted to hold public office, and were not expected to hold opinions on affairs of state.

But the women of America were not satisfied to accept such restrictions upon their individual liberty, and during the past half century have made great strides to achieve their goal of equality with the men of the Nation.

Under the leadership of Susan B. Anthony, the pioneer crusader for equal rights, the campaign for women suffrage was launched, and American women finally gained the right to vote for ratification of the 19th amendment to the Constitution in 1920.

Race, creed, and sex have been the recognized areas of discrimination since the dawn of history.

1787: The Constitution was framed under the influence of common-law, which is the code of precedent and tradition. Common law did not regard women as persons or legal entities.

1791: The 1st amendment made discrimination because of creed unlawful.

1868–70: The 14th and 15th amendments made discrimination because of race unlawful.

1920: The 19th amendment made discrimination because of sex unlawful with respect to voting. Any other discrimination because of sex is still lawful.

1923: The equal-rights amendment was placed before Congress by Senator Charles E. Curtis, later Vice President, and Representative Daniel R. Anthony.

1940: The Republican Party endorsed the amendment in its national platform and has so continued.

1942: The Senate Judiciary Committee reported the amendment favorably and has so continued in every subsequent Congress.

1943: The Senate Judiciary Committee, Chairman, Warren Austin, rephrased the amendment in its present classical form.

1944: The Democratic Party endorsed the amendment in its national platform and has so continued.

1945: The Senate ratified the Charter of the United Nations, which affirms "the equal rights of men and women."

1946: The first vote on the amendment was taken in the Senate. The favorable majority vote was less than the required two-thirds majority.

1947: At the International Conference of American States, all 21 Republics, except the United States of America, signed a convention granting to women the same civil rights enjoyed by men. Our representative, Norman Armour, then Assistant Secretary of State, explained that "if the equal rights amendment were added to the Constitution there would be nothing of a constitutional nature to prevent signing."

1948: Our delegate to the United Nations Economic and Social Council voted against a resolution, carried by the votes of nine other nations, which provided for equal economic rights of women.

1950: The second vote on the amendment was taken in the Senate. Over a two-thirds favorable vote was cast, but a nullifying rider had been added, proposed from the floor by Senator CARL HAYDEN.

1953: The third vote on the amendment was taken, in the Senate, repeating the vote of 1950. Again the rider, without submission to the Judiciary Committee, had been added from the floor. It was characterized by Senators of both parties as political hypocrisy.

Mr. Chairman, I do not think it is necessary to go into any more detail. I am the author of House Joint Resolution 125 that was introduced in this Congress on January 13, 1955, proposing equal rights for men and women. A lot more can be said on the subject, but, in the interest of time, I prefer to limit the debate to a minimum and give the House an opportunity to vote, and I trust you will support my amendment.

Mr. KEATING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize the sincerity of the gentleman from California and the gentlewoman from New York in advancing this amendment. I know that they have for a long time been interested in this field and have sponsored a constitutional amendment to provide that there shall be no discrimination on the ground of sex. That is a matter that has been before this Congress for some time. It has been in our committee. We held some hearings in previous Congresses on the subject. It is a highly controversial subject. There are many strongly held views on both sides. It is a complicated subject on its merits, whether or not this constitutional amendment should be adopted. It is not a matter that should come before us at this time, it seems to me, and whether or

not you favor that constitutional amendment, it seems to me this particular amendment should be opposed.

I might say to those who support that constitutional amendment that it might well delay the consideration of that if this field were opened up to an investigation by this Commission. I want to make it perfectly clear that a victim of discrimination on account of color, race, religion, or national origin, whether it be a man or woman, would be covered by the wording of this legislation as it stands. It would completely change the character of this investigation if the Commission were set up to investigate economic pressures by reason of sex. Unless it is the will of the House that this Commission should go into a field of investigation entirely foreign to that having to do with what we have generally spoken of as civil rights, then this amendment should be opposed. I feel it necessary to oppose the amendment because of my strong conviction that it will completely change the character of this proposed legislation.

Mr. HALLECK. Mr. Chairman, will the gentleman yield to me?

Mr. KEATING. I yield to the gentleman from Indiana.

Mr. HALLECK. I think it should be noted, wholly apart from the merits or arguments one way or the other on a matter such as presented by this amendment that we have here before us legislation dealing with a subject that has been under consideration for a long time. Some argue that it should have been settled a long time ago. Some contend that there should be no action on it now.

I have been here a long time and I have seen on many and many an occasion when matters of this sort have been under consideration in committee, amendments have been offered and have been adopted to a point where after all the whole purpose of the original legislation is lost sight of and we wound up getting nowhere.

So I think I may properly say at this point that because not only will this amendment be before us but there will be many more, if we want to bring this legislation to passage then I think we ought to be very, very careful about loading it up with amendments that might ultimately result in its defeat.

Mr. KEATING. Mr. Chairman, I agree with the gentleman completely. While I realize that this amendment is not offered by the gentleman from California for that purpose, because I understand him to favor this legislation—and the same is true of the gentlewoman of New York [Mrs. ST. GEORGE]—I think it will be supported in the main by those who are against this legislation and who are seeking to defeat it.

I urge the House not to fall for that kind of tactics and to defeat this amendment.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do hope, indeed, that the members of the majority party will vote against this amendment, particularly those who favor the general purport of the bill. However, I want to say to the very gentle lady from New York, Mrs. KATHARINE ST. GEORGE, that one could hardly consider me a misogynist, a man who has been married for over 42 years, with children and grandchildren, all of whom are of the same sex as the gentle lady from New York.

Mrs. ST. GEORGE. That might very well be an excuse, I might say, for the gentleman being a misogynist.

Mr. CELLER. I could not be a misogynist, because I have a very high and very real affectionate regard for the gentle lady from New York.

Of course, I agree with my distinguished colleague, the gentleman from New York [Mr. KEATING], that to load this bill down with an amendment of this sort would be a sort of boobytrap. It would be a bait for the unwary. I hope those who are in favor of the resolution offered by the distinguished gentlewoman from New York [Mrs. ST. GEORGE], which provides for so-called equal rights, will not be tempted to vote for this amendment because they are in favor of that proposal. The one has nothing to do with the other. It is like mixing vinegar with water, you will get something that will be rather disturbing to you if you try to mix the two.

Mr. MILLER of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. MILLER of Maryland. Would the gentleman explain why this would be a boobytrap or why in any way it would hurt the purposes of the legislation?

Mr. CELLER. I hate to answer that, but I can assure the gentleman that the Commission would be spending endless days in hearing all the various and sundry women's organizations interested in equal rights, and they probably might never get to the real matter for which they were established.

We have had this equal-rights amendment before our Judiciary Committee for many years. We have had extensive hearings on it in the past. The Judiciary Committee in its wisdom saw fit not to report out the resolution. Yet the constitutional amendment is offered year after year, despite those extensive hearings. If there were such a great sentiment in this House for the passage of that constitutional amendment it would be a simple matter to file a discharge petition, and if all these men who have signed something that has been mentioned today in favor of that equal-rights proposition wanted to do so they could sign the discharge petition and get the matter up before the House. But do not try to enter by the side door, as it were, and tag that proposal for equal rights onto this proposition of a commission.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from California, the author of the amendment.

Mr. McDONOUGH. The gentleman just referred to this as a cumbersome amendment.

Mr. CELLER. I did not say "cumbersome."

Mr. McDONOUGH. Well, "it would not butter it up;" the gentleman used words to that effect. Is it any more cumbersome than the amendment submitted by the gentleman from Texas [Mr. DIES], that outlines the procedure of the Commission?

Mr. CELLER. I voted against that amendment.

Mr. McDONOUGH. Does not the rule set down by the gentleman from Texas [Mr. DIES] provide that investigation of this category of citizens would not allow everybody to be investigated?

Mr. CELLER. I do not agree with the gentleman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. YATES. Should it not be pointed out that this is a temporary Commission that expires 2 years after the passage of this act?

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. The matter of the so-called equal-rights amendment has been introduced into this discussion. I do not believe this amendment has anything at all to do with the equal-rights amendment. As I understand, the equal-rights amendment is supposed to eliminate certain provisions in law that are said to discriminate against women. Certainly the thing that is sought to be reached in the study of this Commission does not involve any legal restriction arising out of the law, but rather is a matter of going into discriminations or restrictions that arise out of actions by people in the country.

Mr. CELLER. The gentleman is opposed to the amendment?

Mr. HALLECK. I am opposed to the amendment.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Mississippi.

Mr. COLMER. The gentleman made the statement that he objected to this on other grounds, that so much of the time of the Commission would be taken up in going into all this. Does the gentleman think that the rights of people as they might be affected by discrimination because of point of origin or race or color are more sacred and worth more than the rights of the women of this country?

Mr. CELLER. I will answer the gentleman's question with a question: Will the gentleman vote for the bill if it contains sex?

Mr. COLMER. I am always in favor of the rights of women.

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

MY SOCIAL-SECURITY PROPOSALS, 1956

Mr. FOGARTY. Mr. Chairman, great strides have been made in recent years in improving our social-security program. That program, conceived and developed under a Democratic administration, has certainly proved its worth. On that we are all agreed—even including the majority of the Members of our worthy minority.

Today over 8 million persons are regularly receiving their monthly social-security benefits. Over $5 billion a year goes to our aged persons, widows, and dependent children receiving these benefits under the old-age and survivors' insurance program. The number of beneficiaries and amount of benefits will continue to increase as the full effect of recent legislation comes into force.

Yet, there are important changes which still must be made in our social-security program. The program is still far from completion. I believe that the Congress must make additional improvements in the program in order to make the maximum contribution to our aged citizens and to the widows and children who are left without a father. Among the measures which I am supporting in Congress to accomplish this objective are the following:

First, the payment of social-security benefits to all insured persons prior to age 65 who become permanently and totally disabled. I believe that the man or woman who has contributed to social security and becomes so disabled that he or she cannot work any more should be eligible to draw social-security benefits irrespective of age. For example, an individual who became permanently disabled at age 50 should be able to start drawing benefits as soon as he or she had met the eligibility conditions as a disabled person. I do not believe there should be any arbitrary age limitation imposed by the Congress for such benefits. The young working man or woman, age 30 or 40, needs such protection just as much as the man or woman, age 50 or 60, who becomes disabled. I shall do everything within my power to see that the disabled person gets a fair break under the social-security law.

Second, I believe the eligiblity age for all men and women should be reduced to 60 years. A year ago, on March 1, 1955, I introduced in the House of Representatives, a bill, H. R. 4517, for that purpose. This change would retain the voluntary character of the retirement program. It would not require that an individual retire at age 60; only that he would be permitted to draw his full benefit at that age if he elected to retire. I am convinced that this would be a great boon to thousands of older people, who at the present time are precluded from drawing benefits until age 65.

Third, as a part of my program I propose that individuals who postpone their retirement after age 65 should receive an increase in their benefit for each year they delay their retirement. Such a delayed retirement credit would recognize that many individuals who continue working after age 65 are making an important financial contribution to the social-security system and to the economy, as a whole. Thus, an individual otherwise eligible to a social-security benefit of $100 a month would be entitled to receive $110 a month if he retired at age 70 or $114 a month if he retired at age 72. This would be fair and equitable to all.

Fourth, I believe that social-security benefits should be increased for all beneficiaries particularly for aged widows. At the present time, if a man has retired and he and his wife are drawing social-security benefits of $150 a month, the widow, upon the man's death, is entitled to receive only $75 a month. This is because the widow receives 75 percent of the man's benefit—that is, one-half of their combined benefit. I believe this proportion should be increased from 75 percent to 100 percent so that in the case I have just cited, the widow's benefit would be increased from $75 a month to $100. This would greatly aid widows.

Fifth, I believe that both the minimum and maximum social-security benefits should be increased as part of a general benefit increase. I especially believe that the maximum benefit of $108.50 a month for an insured worker is too low. I believe the maximum benefit should be increased to at least $158.50 by increasing the maximum wage which can be credited under the program from $350 a month to $600 a month. This would permit a retired man and wife at age 60 to draw a maximum benefit of $237.75 a month. I would also increase the maximum family benefit from the present $200 a month to $300 a month. This would be of particular benefit to a widow with several young children.

Finally, I believe existing benefits are too low to permit most social-security beneficiaries to provide adequately for their hospitalization and medical bills. We should, therefore, extend hospitalization and medical-care insurance to all social-security beneficiaries.

As you know, Mr. Chairman, I have strongly supported the provisions of H. R. 7225 to extend the old-age and survivors insurance program to most of those who are not now covered, to those who become prematurely disabled, and to women at the age of 62 or even 60.

Thus far, Mr. Chairman, the social-security program has been too rigid. It has tended to force all people into a single pattern of retirement and eligibility at the single age of 65. This, I submit, has been unjust for it fails to recognize the basic differences among people—differences in their rates of aging, in their health, in their social circumstances, and in their personal desires. It is for this reason, Mr. Chairman, that I have so strongly urged the passage of the liberalizing amendments to the social-security program.

The administration has objected to these amendments on the grounds that the social-security tax would have to be raised in order to pay for them and that our workers would not support even a small increase. This, I believe, Mr. Chairman, is a wholly specious argument.

These changes in our social-security program are vitally necessary. They are practical and realistic. They would strengthen the existing program and retain all the essential features of the contributory wage-related program with benefits payable as a matter of legal rights.

I shall continue to do everything possible to urge that the Congress adopt these amendments. We have made many important improvements in social security. The amendments I am advocating and supporting will improve the program for all Americans. Of more importance, it will help to ease the crushing burden already being felt by too many thousands of our people.

Mrs. KELLY of New York. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I speak for four women on the Democratic side of the aisle; the gentlewomen from Missouri, from Minnesota, from Oregon, and from New York [Mrs. SULLIVAN, Mrs. KNUTSON, Mrs. GREEN], and myself.

We are opposed to this amendment because we feel that women are included in the general terms, race, color, and creed. The addition of sex is superfluous. This amendment will destroy the real purpose of this bill and will lead to its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MCDONOUGH].

The question was taken; and the Chairman being in doubt, the Committee divided and there were—ayes 121, noes 71.

Mr. KEATING. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MCDONOUGH and Mr. CELLER.

The Committee again divided, and the tellers reported that there were—ayes 115, noes 83.

So the amendment was agreed to.

Mr. VINSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON. Mr. Chairman, because I am sadly expecting, at any moment, to receive word of the death of my brother, it may not be possible for me to be here when the final vote is taken on H. R. 627. But I cannot leave the House of Representatives without placing in the RECORD my views on H. R. 627, which carries the misnomer of a "civil rights" bill.

I want the RECORD to show clearly and unequivocally that were I present when the votes are taken on this legislative monstrosity, I would vote to recommit the bill to the Committee on the Judiciary, and if the bill is not recommitted, I would vote an emphatic "no" against final passage.

I have listened to much of the debate on this measure, and I have read the RECORD. If it were possible to remove politics, emotions, and sectionalism from the minds of the Members of the House, there is no question in my mind that this bill not only would be overwhelmingly defeated, it would never have been reported by the Committee on the Judiciary.

The bill is divided into four parts. The first part creates a commission that should be classified as a snooping commission, whose principal function seems to be that of destroying the last vestiges of the powers reserved to the States.

It envisions the creation for the next 2 years of what is equivalent to a court of inquiry with full Federal power if it so desires to pry into the affairs of every citizen of the United States, every business and every State of the Union. Its

jurisdiction is practically unlimited and its powers are practically unlimited.

This Commission would be created for the sole purpose of federalizing every conceivable economic, social, and legal institution in the United States of America.

I would assume, therefore, that if a farmer employs a white man to help him on his farm, he can be subpenaed by the Commission and required to come to Washington to explain why he hired a white man in an area where there were unemployed Negroes.

Or take another example. If a restaurant employs colored waiters, I would assume that the owner could be required to show cause why the assistant manager is not colored.

If a Chinese laundry employs no one but those of oriental origin, I am sure the owner could be required to produce his records, including those he writes in Chinese, to answer charges that he is discriminating against those of Eskimo origin, or any other race.

Perhaps of even greater significance is the potential authority contained in this bill with regard to the Commission's right to inquire into the entire educational system in existence in the Nation.

As I interpret this bill, the Commission could subpena all the records of a private school, including a church school, and subject that school to a searching inquiry as to why that school denied admission to any individual because of his race, color, or creed. No school, private, public, or denominational, would be beyond the reaches of the Commission.

Is this what was meant by our Founding Fathers when they forever guaranteed to the American people the right to have religious freedom?

But not satisfied with just creating a Commission, the bill also provides for an additional Attorney General who will be in charge of a civil rights division. Apparently his sole function from the day he is appointed, should the Nation ever be unfortunate enough to see this legislation enacted, will be to enforce, with or without the consent of a plaintiff, his idea of what constitutes a violation of an individual's civil rights.

Part III of the bill gives the Attorney General the right to bring a civil action to protect the so-called rights of anyone who has a complaint. And part IV deals with the right to vote.

There is little doubt that this bill is a dagger pointed at the heart of the South.

Today it is the South; tomorrow it will be the West; the next day it will be the North, and then the East.

As I see it, the bill has in it the beginning of the end of organized labor, for any union whose views differ from that of the Attorney General might well find themselves subpenaed to death. They would be accused of denying equal protection of the laws to every crackpot who wishes to bring a legal action.

Lawsuits which could involve hundreds of millions of dollars in costs can be brought against any labor union in the United States under this bill.

If it becomes law, it would give the Federal Government the power to destroy any citizen, any corporation, any business—big or small—any political subdivision, any labor union, and I will even go so far as to say, any organization in the country.

So I would say to those of you who insist upon this type of legislation, beware that the club you use does not turn upon you.

You are planting an insidious and cancerous growth of complete Federal domination in the hands of a small group.

You had better think of the consequences to your children, and your children's children, before you go on record in favor of legislation that in my opinion will do more to destroy the foundations of this Republic as we know it, and as designed by the Founding Fathers, than anything we have ever previously considered.

For those of you who have faith in our institutions; for those of you who take pride in quoting our Founding Fathers; for those of you who believe that the Federal Government was created on the basis of delegated powers; for those of you who fear a strong central government; for those of you who have read the history of the world and the rise of despotism; for those of you who would preserve this great Nation as bequeathed to us by our forefathers—beware of the dangers that lie in this bill.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. HOLTZMAN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOLTZMAN. Mr. Chairman, I would like to take this opportunity to say a few words about the civil-rights program.

We have before us in the House at the present time a very moderate civil-rights bill, which will provide more adequate protection of the rights of the individual which are guaranteed to all American citizens by our Constitution.

I believe that it has been amply demonstrated during the course of general debate that no new extremes have been advocated by this bill. Rather, the bill merely makes more certain that these rights will be enjoyed by all, regardless of race, creed, color, or national origin. Our country was founded on the principle that all men are created equal, and this legislation reflects our belief in that principle, and would strengthen the efforts of the Federal Government and the Congress to accomplish that objective.

In an effort to insure that no citizen is deprived of his civil rights, it has been recommended that a Commission on Civil Rights be created. The bill also calls for the creation of a special division within the Department of Justice to handle civil rights matters; it gives the courts increased powers to deal with civil rights cases, and it provides added protection to the right to vote.

As elected representatives of the people, we must discharge our responsibilities to all the people, not to just one segment of the population. I believe that this legislation is in the best interests of the country as a whole, and I feel that it will be a definite step forward in the fight against discrimination, and in our efforts to uphold the dignity of all men.

Mrs. BLITCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a few moments ago, the gentlewoman from New York [Mrs. KELLY] spoke for four Democratic women Members on the floor. I know she certainly did not intend to include me. I want the RECORD to show that the lady from New York [Mrs. KELLY] was not speaking for me, and further that I voted "aye" and support the amendment at this point.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. HOFFMAN of Michigan. Mr. Chairman, a little while ago someone asked from the floor: "What is the purpose of the bill?" Of course, the Committee on the Judiciary knows more about the real purpose than do the individual Members, at least more than I do. But I can venture a guess, if I am permitted.

As I have listened to the debate I have reached the conclusion that the Republicans have been supporting it mainly—joined by some Democrats from the North—because they thought it would be helpful—that is in addition to their sincere and intense desire to give everyone equality before the law on the political front—because of their thought that the Republican Party for the first time in a long, long time might be able—or at least aid—to get a majority of the colored votes at the November election. I know that some Democrats from the North have been supporting the bill in an effort to prevent that—to try to take away the advantage that the Republicans might get if the bill came out as a Republican measure. That is to say, while the purpose of those who support the bill—and I cannot vote for it—goes on that high plane of equality under the law is to——

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. PELLY. Does not the gentleman know that a great many of us who are interested in civil rights have been right from the start of this session trying to get legislation like this? We have not been thinking about what you are impugning to us.

Mr. HOFFMAN of Michigan. Certainly I know that. There are those who have always believed in this type of legislation. That is their right. Certainly I am not questioning that right. I am not impugning the motives of anyone. Nor am I questioning the right of my colleagues. To do so would be absurd as well as insulting.

But, incidentally, some folks expect—you don't think I know what I am talking about? Some Republicans expect we will as a party get the support of colored voters at the polls in November because of the enactment of this bill. You can challenge that statement or not. I am not critical of anyone or saying even indirectly that trying to get political sup-

port is unethical. But can there be any other reason for bringing it up at this late date, at this particular time?

Is there any Member of this House who believes for one minute this bill is going through the other body? Is there? No one makes answer. No, there is not. So why is it here now if it is not because of the fact we hope to get a little political advantage by voting for it? That is my question. That is what I would like to know.

And then another thing. In the title it is stated that the purpose is to protect the rights of all persons. Note well that word persons. That word includes everybody. It is all inclusive. But later comes the section to protect the right of only those who fall into one of four groups. No individual who is denied the right to vote is protected unless the denial is because of race, color, religion or origin. Why limit the so desirable protection? If the bill is an effort to get equality before the law for everyone, why write in those four qualifications: Race, color, creed or origin? Why put those limiting qualifications? The section is a limitation upon the general purpose of the bill.

Then we have in the bill a provision to protect the individual who is unjustly discriminated against by economic pressure. Why limit the protection—restrict the protection, of those subjected to economic pressure, to members of the four groups? Discriminated against for what reason? Again only because of race, color, creed, or origin. Why limit it if we want to protect everyone? If we want protection for all persons; as is the stated purpose of the bill? I ask someone to tell us here before we vote on it this afternoon why this limitation to members of those four groups. Suppose the oppression is because of red hair? Blue eyes? Age? Lack of teeth?

As someone has asked earlier, What is the use of having the right to vote if one cannot eat? But the amendment offered by the gentleman from California [Mr. JACKSON] was ruled not germane. That decision I question.

And someone else said that ever since Adam and Eve were driven out of the Garden of Eden unless they were theives or the recipients of charity people have had to work if they wanted to eat. If they desired to live. Is not that true? Why, of course. So why attempt to protect only those who are discriminated against because of one of those four things? Assume we all believe in equal protection under law. Does not the bill because of its restriction carry political implication?

What else does the bill do? It opens wide the doors of the courts of the United States to every individual who wants to make a complaint. Is there any more fertile field for blackmail that would be opened when we make it possible—make it easy—to threaten me with litigation if I do something which someone regards as discrimination to take the matter to the Attorney General or the United States district attorney in my district and go into the Federal court in some lawsuit? And if the complainant cannot get a lawyer because he is too poor all he has to do to start a lawsuit because of some fancied denial of some claimed right—is to go to the United States district attorney. This bill opens the door to every Tom, Dick, and Harry, Mary, Jane, and Sue to go to the Attorney General or some United States district attorney to file a lawsuit in the United States district court in the name of the United States and at the expense of the United States.

The bill—no matter how laudable its purpose—opens wide the door to oppression, blackmail, and a denial of equality. It is an invitation to harassment by busybodies, professional meddlesome busybodies, eager beavers whose occupation is that of stirring up trouble and strife.

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 21, line 12, after the word "religion" insert the word "age."

Mr. DOWDY. Mr. Chairman, I offer this amendment on behalf of us older Members of Congress as well as all of the older people in the United States, over 40 years of age. You and I have had lots of complaints from people who are getting over 35 or 40 or 45 years of age about the impossibility of getting employment. I do not know for sure what "unwarranted economic pressures" means here in this bill. That phrase should be defined somewhere in the bill. I am going to assume perhaps it means "the ability to obtain employment."

I am not going to talk long on this amendment because I think "age" is obviously a matter that should be added to this bill just like sex was heretofore added. We will then actually have something for this Commission to go into when it is created. It can investigate unwarranted economic pressures being applied to people over 35 to 40 years of age so they cannot get a job and make a living.

I cannot see any justification for this bill myself, but these Members who are supporting it I know represent the people of the States from which they come—New York, Illinois and other places. They know whether their State governments are able to take care of the governing of those people in the States. I know in Texas our people are intelligent and can govern themselves. In some of the other States maybe they are not able to. However, the Members who represent those States in Congress know better about their own people than I do. I know this about the people of Texas—we believe in the right to govern ourselves in our own State and our own communities, and you insult us when you infer we are not intelligent enough to do so, and try to create this gestapo to control us. There are people of other States who feel the same way we do.

If we are going to have a bill at all certainly age should be one of the things that is protected against unwarranted economic pressures. I still think that phrase should be defined for the benefit of anybody who tries to interpret this bill or its purposes.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Alabama.

Mr. ANDREWS. I want to congratulate the gentleman for offering this amendment and to say I am heartily in favor of it. I think there are more justifiable complaints of discrimination because of age in this country than there is because of religion, race or origin.

Mr. DOWDY. And all of them put together.

Mr. ANDREWS. The gentleman is correct. I want to commend the gentleman for representing the older people of this country. I am sure that the true facts will show that many people, both male and female, colored and white, of all religions and faiths, have been discriminated against because of age and solely because of age. I want to commend the gentleman for offering the amendment.

Mr. DOWDY. I thank the gentleman. I believe every liberal in this House will have to vote for this amendment. We have the question of additional social security and all that, and they should be for this.

Mr. ANDREWS. Those who formerly advocated the so-called Townsend plan through the years should also favor the gentleman's amendment.

Mr. DIES. On behalf of the liberals, we will accept the gentleman's amendment. I heartily endorse the gentleman's amendment. He is rendering a great service.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I have a 14-year-old boy who sometimes complains about economic pressure from his family. Would the gentleman's amendment allow him to go to the Attorney General and make a complaint?

Mr. DOWDY. I think it would. Every citizen would be able to go to the Attorney General and make a complaint, under this bill as written—in fact they wouldn't even have to go to him. He would take up the matter without being asked. You see, this bill would repeal and override the Bill of Rights in our Constitution.

Mr. TUMULTY. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from New Jersey.

Mr. TUMULTY. I wonder if the gentleman would consider a limitation on the proposition of size? I have been discriminated against all my adult life. My wife has to get a scooter in order to press my shirts, and it costs me more to live. I have trouble in the ball park sometime. I got up to go out of the ball park last week and I was in another woman's lap.

Mr. DOWDY. I would support an amendment to protect you, if you offer it.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Georgia.

Mr. LANHAM. I think all men are discriminated against and they ought to be included. I think they should be included as well as the women.

Mr. DOWDY. The gentleman is correct.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. The gentlelady raised the question about whether her 14-year-old son could come to the Attorney General and have him institute suit. If I read the bill correctly, no one has to go to the Attorney General, but he may anticipate an act based on his own belief about the rights of people who have no idea that their rights are being infringed upon. So, the son would not even have to go.

Mr. DOWDY. Yes, and under the provisions of this bill, if the Attorney General thinks you are about to do something, or that you are thinking about doing something, he can take action against you.

Mr. WHITTEN. That is as I understand it.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman says he sees no justification for the bill, and therefore, I take it, he will vote against the bill. It is rather strange that he is so solicitious in offering the amendment, and I would say that his offering does not come with any good grace, because he means to kill the bill. And it is quite manifest that many of those who have indicated favorable disposition to the amendment are the very ones who want to scuttle the bill. The opponents want the bill so loaded up with extraneous matters, such as age, that the Commission would be sorely put to consider all these diverse subjects, much less to come to any sort of a recommendation to be made to the President, and the whole purpose of the bill will have been destroyed. Finally, I say that those who have been treating this matter rather lightly are those who scoff, but someday may have to come to pray.

Mr. KEATING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it seems to me we have reached the point in our deliberations where we had better face up to the facts. This amendment is offered for the purpose of destroying this bill and scuttling it, killing it; loading it up with amendments that are unacceptable, for the purpose of defeating it. I do not ascribe any improper motives to any Member. There are many here who differ with me about this legislation. They are perfectly entitled to take any point of view they want to. The result of this bill is not going to affect my political fortunes one way or the other. I say this in the finest of spirits to all of my colleagues, we better face up to the facts, and that is that the method of defeating this legislation, it is now perfectly apparent, is by putting in amendments which sound plausible. You are pictured as being for or against old people, depending upon your vote on this amendment, just the same as the last one, whether you are for or against women. Now, I am for women and I am for old people and I am for young people and for all kinds of other people, but that is not the problem before us. The problem before us today—and I address myself to those on both sides of the aisle in the hope, of course, that I will have a little more appeal to those of my own party—is whether we are going to support an effort to defeat this bill. I appeal to my colleagues not to lend themselves to that effort which is now so apparent and to vote against these amendments which are offered for the purpose of seeking to defeat the bill. The test will come on these amendments whether or not you favor moderate and constructive legislation for the protection of the civil rights of our citizens. I favor this bill because I believe in it, and I shall oppose amendments which seek to kill the bill.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I agree with those who oppose this amendment, that it would defeat some of the purposes of this bill, though I shall vote for the amendment. If this amendment is adopted, it will keep this bill from being clearly directed toward minority groups, because this amendment would make it have general application just as the amendment on sex would do.

However, I take this time to call to your attention an amendment which I have at the desk, which I am afraid I might be cut off on and not be able to explain when it is presented, due to maybe debate being limited. But, having listened to the debate, I think it is quite clear that if this bill became law, the greatest danger that the people of the country would have in regard to their civil rights being interfered with or taken from them would come from what was done by the Attorney General of the United States. I, therefore, have at the desk an amendment which would give the people some chance to protect themselves from the Attorney General if he exercised the rights given him under this bill. I have very carefully used that language that is in the bill itself with regard to the authority given the Attorney General. My amendment—and I am utterly serious in it—is as follows:

> Whenever any private individual believes the Attorney General or any representative of the Federal Government has engaged or is about to engage in any of the actions or practices authorized in this act, such private individual may institute for the United States or in the name of the United States, but for the real party in interest, a civil action or other proper procedure for redress or preventive relief, including an application for a permanent or temporary injunction, restraining or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

May I repeat, this bill permits the Attorney General in the name of the United States to anticipate a violation of the rights of somebody and to go into court without the approval of that person. My amendment would let any person who could see that the Attorney General was fixing to drag somebody into court, or who anticipated that he was beginning to attempt or beginning to engage in certain action, to go into court and sue out a restraining order against the Attorney General from violating the rights of our citizens.

If you really want to protect the rights of the citizens of this country, the place you must start, so far as this bill is concerned, is to adopt my amendment and let the private citizen have the right to go into court and restrain the Attorney General.

THE CIVIL RIGHTS ACT OF 1956: A MISNOMER

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Chairman, it has long been recognized that the best form of government is that which exercises the least control over the people.

This is true because, as the powers of government are increased and exercised, the rights of the individual are lessened and circumscribed.

Our forefathers recognized these facts when they wrote the Constitution. In the 10th amendment they expressly provided that—

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Their knowledge of history and their experience in the countries from which they came convinced them that, even though the ever-expanding authority granted the Federal Government was exercised by the people's representatives, few indeed would or could resist the temptation to extend their power over their fellow men.

Because of our increase in population, in the ever-expanding area occupied by our people, and more especially because of the diversity of our activities and the astronomical increase in our productivity, our wealth and fields of endeavor, an ever greater extension of Government, both local and national, has been grasped and exercised by the legislative and executive departments.

This bill—and like all others, I but express an opinion—is unnecessary.

We have ample laws protecting our citizens and others who reside with us.

If the civil rights of individuals or any appreciable number of our people are disregarded, it is because those charged with the enforcement of our present laws either do not wish to enforce them or their efforts to implement the enforcement are not supported by the people.

Before discussing the provisions of the bill, let us for a moment be realistic. Permit me to ask a few questions.

Is it true that legislation of this type has been introduced and pushed to the floor of the House at this time by so-called "liberals" in both parties to gain the support of minority groups in the cities?

Do the Republicans of New York City, Chicago, Philadelphia, Pittsburgh, Detroit, the Midwest and the western cities, in which reside a large number of Negroes, hope to gain support at the polls by the enactment of this legislation?

Do the Democrats hope to thwart that swing to the Republican Party by proving by the passage of this bill that the Democrat Party, now in control of the House, can be trusted to protect and maintain the rights of the minority?

The questions are not critical. They are asked in an effort to show that the bill carries political implications as well as whatever desire there may be to secure equality for certain groups in certain activities.

Does anyone believe that when the bill receives, as presumably it will, the endorsement of the House, it will be approved by the other body?

THE BILL

The title of the bill states that it is a bill "To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States." It would lead one to believe that it is an effort to secure for, and to insure all the civil rights guaranteed by the Constitution and our laws to, persons within the jurisdiction of the United States.

That, however, is not the fact. Bouvier's Law Dictionary, Rawle's Third Revision, defines "civil rights" as:

> The term applied to certain rights secured to citizens of the United States by the 13th and 14th amendments to the Constitution and by various acts of Congress made in pursuance thereof.[1]

PREVIOUS LEGISLATION

Title 42 of the United States Code deals with the public health and welfare. Chapter 21 of that title deals with civil rights.

Section 1981 declares that "all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

A subsequent section declares that all citizens shall have the same property rights.

Section 1983 makes available to any person deprived of such a right an action at law, suit in equity, or other proper proceeding for redress.

The next section provides that any case arising under the action in the courts of the United States shall be reviewable by the United States Supreme Court without regard to the sum in controversy.

Section 1985 makes it an offense for two or more persons to conspire to prevent by force, intimidation, or threat, the exercise of the rights referred to.

Section 1986 states that any person who, having power to prevent or aid in preventing a violation of the act, neglects or refuses to do so, if such wrongful act be committed, shall be liable to the party injured or his legal representative for all damages caused by such wrongful act, which such individual by reasonable diligence could have prevented.

A provision of the present law—section 1987 of title 42, United States Code—authorizes the United States attorneys and certain other Federal officials at the expense of the United States "to institute prosecutions against all persons violating any of the provisions of section 1990 of title 42 or of sections 5506–5516 and 5518–5532 of the Revised Statutes, and to cause such persons to be arrested, and imprisoned or bailed, for trial" before the Federal courts.

But, so far as I have been able to learn, no action is authorized to be instituted in behalf of or "for the benefit of the real party in interest."

This bill, by sections 121 and 131—pages 24–26—grants authority to the Attorney General to institute for the United States or in the name of the United States and at the expense of the United States, but for the benefit of the real party in interest, a civil action either to enjoin an act forbidden by the statute or to provide redress for a violation of that act.

While the previous statute authorized prosecutions for a conspiracy to interfere with civil rights—preventing officer from performing duties and depriving persons of rights or privileges—this bill adds two new sections: a fourth to section 1985, United States Code, which opens wide the door to individuals who may hope to gain some pecuniary benefit by filing charges with the Attorney General or his deputies; and a fifth section added to the same section 1985, which confers jurisdiction upon the district courts of the United States to entertain such actions.

Under present holdings of the Supreme Court, it may well be contended that this section might deprive citizens of any right to institute action in the State courts for acts which constituted a violation of sections 1985 and 1986, and for which therefore a civil remedy existed, although section 1988 of title 42 would seem to preserve the rights of individuals to bring suit in the State courts.

A NEW AUTHORITY

This bill creates a Commission of six to implement the bill and provides for their compensation.

Long in both parties there has been a faction which opposed an extension of the power of the Federal Government, which demanded economy in that Government.

Why then establish a new commission which, from our experience, we know will grow in number of officials and employees and in cost as long as it may exist?

Section 103 (a) states that:

> The Commission shall—
>
> (1) investigate the allegations that certain citizens of the United States are being deprived of their right to vote or are being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origin;
>
> (2) study and collect information concerning economic, social, and legal developments constituting a denial of equal protection of the laws under the Constitution; and
>
> (3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

That the bill is limited in its scope, political in its nature, is shown by the fact that it is designed to protect only those who are deprived of the right to vote or who are being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origin.

The bill makes no attempt to protect those who are deprived of the right to vote or who are being subjected to unwarranted economic pressure unless the reason for the deprivation or for the pressure is because of the color, race, religion, or national origin of the individual so discriminated against.

If one is deprived of his right to vote for any reason other than because of his color or his race or his religion or his national origin, he gets absolutely no protection under this bill.

That subsection and the words just quoted are proof, if any were needed, that the purpose of the bill is political rather than remedial.

There is little or no complaint that individuals have been deprived either of the right to vote or have been subjected to unwarranted economic pressure because of their religious views or of their national origin.

Subsections 2 and 3 merely provide for a study and collection of information and an appraisal of economic, social, and legal developments which deny equal protection of our laws and the appraisal of the laws and policies of the Federal Government with respect to equal protection of those laws under the Constitution.

THE BILL DOES NOT PROTECT ALL CIVIL RIGHTS

Part IV seems to have been drawn to protect the right to vote.

Under section 2, article I, of the Constitution, "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Section 1971, title 42, of the United States Code, now provides that—

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Section 131, paragraph (b), of part IV, of this bill, among other things, provides for three new subsections. All three are designed to make secure the rights of the individual to vote as he may choose.

Beyond doubt, the right to vote as one may choose lies at the very foundation of our Government. However, there is another right that is just as important. The right to vote is of little practical use unless the one choosing to exercise it is able to eat.

The originators and the sponsors of this legislation, one of the principal objectives of which is to preserve the right

[1] By the term "civil rights," in its broader sense, is meant those rights which are the outgrowth of civilization, which arise from the needs of civil as distinguished from barbaric communities, and are given, defined, and circumscribed by such positive laws, enacted by such communities as are necessary to the maintenance of organized government, and comprehend all rights which civilized communities undertake, by the enactment of positive laws, to prescribe, abridge, protect, and enforce. (*Byers* v. *Sun Savings Bank* (139 Pacific 948).)

to vote, have, either by design or inadvertently, carefully avoided—or shall we say, neglected—any provision which will protect the right to work. The prospective voter who is prevented from working to earn a livelihood, if his right to a job is long denied, will lose interest in the right to vote. His first objective will be to earn the money to furnish food for himself and those dependent upon him.

Recently we read of workers in Poland rioting not for the right to vote but for bread.

Why is it that here in the United States of America, where apparently we are so jealous of the rights of certain minority groups, we are so blind to the fact that others in control of certain organizations have usurped the power of the local, State, and Federal Governments to levy taxes not only directed upon their members but indirectly upon consumers?

To my desk within the week came a protest from members of one of the national educational societies protesting the move on the part of the officers of that organization to increase the dues of the members from $5 to $10 per year. Not long ago many protests were coming in against the action of certain labor unions raising the dues from $2.50 to $7.50 per month, and that without a vote of the membership.

The bill, by subsection (c) of section 131, part IV, provides that, when any person has engaged or is about to engage in any act or practice which would deprive any other person of his voting right, or takes certain other action which would interfere with the right of one to vote for or against, and contrary to his own will, any candidate for a Federal office, the Attorney General may institute for the benefit of the real party in interest a civil or other proceeding for redress or preventive relief. If the action be not sustained, costs may be assessed against the United States.

The net result of these provisions is to make it possible for any individual who can gain the approval of the Attorney General to "for free" start an action for damages in the name of the United States against any individual or group of individuals who he claims have unlawfully deprived him of his right to vote.

Permit a repetition. The bill does not attempt to make available the right to vote where one is deprived of that right for any reason other than that he is of a certain color, race, religion, or national origin.

Nor does it attempt to protect anyone from unwarranted economic pressure unless that pressure be exerted because of his color, race, religion, or national origin.

It is a matter of common knowledge that in many a labor organization an individual member is deprived of his right to vote because of violence or the threat of violence or expulsion from a union.

It is a matter of common knowledge that many an individual is subject to unwarranted economic pressure not because of his color, race, religion, or national origin, but because he has not joined a labor organization or because he does not pay the initiation fee, the dues, and the special assessment levied by that organization.

It is a matter of common knowledge that many a member of a union has been deprived of his property, that is, welfare funds, has been subjected to unwarranted economic pressure, that is, deprived of his job, not because of any reason carried in this bill but solely because he has failed to join a certain organization, pay the dues, and special assessments levied by that organization upon its membership.

Permit me to ask why no provision is written in this bill granting protection to the civil rights of the individuals referred to above?

If we wish to protect the right of the individual to work, to earn a livelihood for himself and his family—and it may be assumed that that is a civil right—how come the bill does not contain a provision that no one shall be deprived of his right to work or shall be subjected to economic pressure because of his membership or lack of membership in any organization?

The bill confers certain powers upon the Commission, authorizes the appropriation of an unlimited sum to carry out the provisions of the act. It creates an additional Assistant Attorney General and presumably there will be assigned to him such assistants as he may need.

Both the Republican and the Democrat Parties and their candidates advocate economy in Federal operations. The Congress has been so desirous of economy that it has appropriated somewhere around $3 million to cause an investigation and a report and recommendations to be made by the Hoover Commission. Generally speaking, the Hoover Commission has advocated a reduction or a consolidation of Federal departments, bureaus, and agencies.

But here we are advocating the establishment of a new Commission, designed to protect citizens who have been or who it is anticipated will be deprived of their constitutional rights. The direct way and the economical and efficient way to protect such individuals would be to appropriate more funds, authorize the employment of more individuals by the Department of Justice and the FBI.

But such a procedure, while the obvious one, would not tend to centralize here in Washington the Federal power over the citizens of the States. Nor would it gain for those advocating it, political support from some union officials.

So here, in the closing days of the session, when practically all the Members of the House are aware that neither this bill nor anything like it will be voted out of the other body, we are spending our time in an apparently pious and patriotic effort to pass a bill which it seems will never at this session receive consideration in the other body.

Let us be honest with ourselves. Let us admit first that there is ample legislation upon the books which, if adequately enforced, would protect the civil rights of every citizen. Second, that this bill was conceived and put forward, in part at least, to obtain a political advantage at the next November election. Third, that it will not become law at this session of the Congress.

Mr. MILLER of New York. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. MILLER of New York moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause be stricken out.

Mr. MILLER of New York. Mr. Chairman, as one who all my life has believed and even now believes fundamentally in the proposition of civil rights; as one who sponsored this legislation; as one who voted for it in the subcommittee and in the full committee, but as one who after further deliberation and after listening to the debate, and one who is a lawyer, I must in good conscience state that I make this motion in utter sincerity because I am profoundly convinced that this legislation in its present form will destroy more civil liberties and civil rights than it will ever protect.

Let me make one thing clear.

This bill in its present form gives no right, no privilege, no benefit to a single individual in the United States that he does not already have. But what does it do? It creates a commission with the authority to subpena me or you or anyone in this country, to subpena us any place, to Washington, California, or Texas, and hold us under subpena at our own expense interminably; on what? Some allegation perhaps that I am guilty of exerting unwarranted economic pressure on somebody. Who? The corner grocer, who alleges that I do not trade with him and I get my friends not to trade with him because he is a Jew or a Catholic.

This bill provides that there may be utilized the services of all volunteers who wish to volunteer their services in the work of this Commission. I will bet you there is a whole regiment of the ADA ready to volunteer their services as soon as this becomes law. Every single person in this country who ever had a conservative thought or professed a conservative word will be served with questionnaires and will be subpenaed before the Commission.

This bill authorizes the Attorney General to do something that, if any other lawyer in America did it, he would be disbarred for life. No lawyer has the right to institute action and represent anybody without the consent of that person, yet this bill permits the Attorney General to institute action on behalf of people who do not solicit his help and against people who are charged with what? An allegation, perhaps, that somebody's voting right is being affected in New York State.

We have people coming in by the boatloads from every country in America and from Puerto Rico. We have requirements administered by State officials for voting rights in New York, residential requirements, and literacy requirements, and here we have the Attorney General given the right to summarily hale someone into court, and temporarily restrain him in his activities without any appeal at all or reference to or use of the administrative procedures set up by my State of New York and your State, which

would destroy the very fundamentals of States rights in this country.

Mr. Chairman, I was an assistant prosecutor at the Nuremberg trial. It was my job to try to figure out how it was that Hitler succeeded in imposing his control over the good German people for so many years. I found that he did it by decree after decree, just like this piece of legislation, because the legislation or the decree was aimed at dividing the people of Germany instead of uniting them. The only thing that ever made this country great was the happy blend of labor and management working together.

Mr. Chairman, I shall ask for a teller vote on my motion. I believe it should be adopted. Then we will go back to work in this House.

Mr. MARTIN. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I have heard with great regret the statement of my good friend from New York. I wish he had become awakened to his views before he voted for the bill or before he introduced a measure similar to it. It would have been a little easier, perhaps, for the rest of us in the House.

He has moved to strike out the enacting clause. I want to talk to those of you on the Republican side of the House, because he has put us in a position where the ultimate result could be great.

I want to tell the Republicans in this House if they follow the southern democracy in the defeat of this bill, they will seriously regret it.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I do not yield.

Mr. DIES. I want to compliment the gentleman.

Mr. MARTIN. I do not want any compliments.

Mr. DIES. The gentleman did not mean what he said. You do not mean what you said.

Mr. MARTIN. What did I say?

Mr. DIES. You did not mean that.

Mr. MARTIN. I yield to the gentleman.

Mr. DIES. You are a great, fine patriot.

Mr. MARTIN. Now let us eliminate that.

Mr. DIES. The gentleman does not mean to inject politics into this thing; does he?

Mr. MARTIN. Why, my friend, this bill has been jockeyed into the position where the one group who will be blamed for the defeat of this bill, if it is defeated, particularly upon this motion, is the Republican Party. Those are the real facts.

I just want to point out to the Republicans not to fall into this trap. By adopting all these amendments offered you are helping to scuttle the bill, and if you scuttle this bill, you will be scuttling a bill which has been favored by the President of the United States. You will be scuttling a bill that has been formulated by the Attorney General, and I do not think we would want to bring this about.

Mr. DOWDY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. DOWDY. Mr. Chairman, I think unwarranted economic pressure is being brought upon the Republicans.

The CHAIRMAN. The gentleman from Texas does not state a point of order.

Mr. MARTIN. We will look out for ourselves.

Mr. Chairman, we will not vote in favor of this motion to strike out the enacting clause.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield.

Mr. KEATING. I certainly share fully the views of the distinguished minority leader. This bill represents the views of our President on this subject. It represents the views of the Attorney General. It was offered in conjunction with me by the gentleman who now makes the motion to defeat the bill, and I urge all of my colleagues to stand up in opposition to this motion.

Mr. MARTIN. I thank the gentleman.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York [Mr. MILLER].

Mr. MILLER of New York. Mr. Chairman, on that I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MILLER of New York and Mr. CELLER.

The Committee divided; and the tellers reported there were—ayes 91, noes 140.

So the motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

Mr. KEATING. Mr. Chairman, I rise in very definite opposition to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

Mr. CHELF. Mr. Chairman, a parliamentary inquiry. Is this the amendment that pertains to age?

The CHAIRMAN. That is correct.

The question was taken; and on a division (demanded by Mr. DOWDY) there were—ayes 102, noes 157.

So the amendment was rejected.

Mr. COLMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to have the attention of the gentleman from Massachusetts, the minority leader, if I may.

I have been in this House for some time; this is my 24th year, and during that time I have tried to approach the issues that confronted me as a representative of the people of a sovereign State and as an American citizen with two questions in mind: First, how that proposal that was submitted to me as a Representative in one of the great parliamentary bodies of this world would affect my country; secondly, I consider the interest of my party.

We have just heard a speech by a distinguished Member of this body, a leader of the group on my left. The gentleman from Massachusetts [Mr. MARTIN] the like of which I have not witnessed in those two-decades-plus. The gentleman in his opposition to the amendment to strike out the enacting clause of this bill made by a member of his own party, and a courageous and patriotic one, I might add, answers that with a purely political speech.

Then the distinguished gentleman, my friend from Massachusetts, said that if this is done his party suffers because they will be charged with alining themselves with the southern Representatives in this Congress.

I recall the days in previous administrations, Democratic ones, I point out to my friend and the leadership on that side, that support from my section of the country was welcomed with open arms. I recall the days when questions that I thought were adverse to the interest not of my section but of our great common country arose in this House under a previous administration, that the support of that little group from the South was welcomed by the leadership on the left.

It all goes to prove one thing and one thing alone and that is what I pointed out in opening the debate on the rule—this is purely a political measure.

Now, let me say to my friend and to all of like mind and to Americans everywhere, that so long as I am a Member of this House I propose to conduct myself in the future as I have in the past and approach these questions solely in the interest of my country. I never thought that I would see a distinguished leader of a party in this House rise in the well of this House and appeal, upon a purely partisan basis, for support of a measure where the very liberties of all of the people of this great country of ours and the sovereignty of the 48 States of the Union were involved.

Mr. MARTIN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Mississippi, my good friend [Mr. COLMER], for whom I have the greatest respect and admiration, has made the accusation that he never heard politics mentioned on the floor of this House in the past. I do not know where he was when those many occasions were happening. He is a pretty devoted Member of the House and has been constant in his attendance and his memory must be faulty. We all know that there have been other passionate political appeals made in the past and we Republicans have suffered from them. I do not question the gentleman's patriotism, I do not question his sincerity, and he has no right to question my patriotism or my sincerity, either.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Mississippi.

Mr. COLMER. I never said anything about the gentleman's patriotism or his sincerity. I still believe his sincerity to his party is of the highest order.

Mr. MARTIN. And also to my country.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Texas.

Mr. DIES. When the gentleman was speaking, I interrupted him and I said

"I am sure the gentleman does not mean it." I thought the gentleman was speaking hastily, as many Members do on the floor of this House. But, it appeared to me that what the gentleman said was that the Republican Members of the House would rue the day that they followed the gentleman from New York. And, I implied that that was a threat to his own Members.

Mr. MARTIN. The gentleman can make any implication he wants.

Mr. DIES. I do not want to do that.

Mr. MARTIN. Thank you. The gentleman from Massachusetts believes this is a fair bill, a moderate bill, and a bill that should be passed. No one can reasonably oppose the measure. I simply wanted to give my views to the party that has honored me. I had the right as well as any other Member of this House to express my views. The gentleman from New York could well rise here and make the motion, if that was his desire, but I, too, have the right to oppose it, if that was my desire. And, it was. I want to say that this is a moderate bill; it is a bill that will give justice to all groups of our people and bring security and hope for all.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from New York.

Mr. KEATING. When the gentleman stated that he was a Republican and favored this bill as a Republican, am I incorrect in saying that the Republican Party, since the days of Abraham Lincoln, has stood for civil rights and still does?

Mr. MARTIN. Equal and social justice have always been the cornerstone of the Republican Party. This bill has been brought to the floor of the House, and it deserves an honest consideration.

Mr. PRESTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRESTON. Mr. Chairman, I rise to urge the membership of this House to reject overwhelmingly this repugnant legislation that is presented to us under the name of "civil rights."

Not since the tragic days of reconstruction has such hateful, punitive legislation been presented for serious consideration by this House.

We all know that in the aftermath of bitterness that followed the War Between the States punitive laws were passed directly against the prostrate Southern States. We know that after passions had cooled some of the laws were ruled unconstitutional, some were repealed by the Congress and some, by tacit agreement fell into disuse.

Now, in 1956, we find a strong move afoot to nullify the historic rights of the several States by passing a statute that enables the Attorney General of the United States to take action against private citizens and State officials on the slightest pretext or no pretext at all. This proposal is monstrous on its face.

Such a law as that which is proposed is not just needless. It is wicked and dangerous.

Our country has grown great as a "sovereign Nation of many sovereign States." This legislation effectively destroys the sovereignty of the several States. It takes from the jurisdiction of the State courts proper functions which they have effectively performed since its founding. It bestows jurisdiction over purely local matters on the Attorney General of the United States.

We condemn foreign police states. Indeed, like many of you here, I fought in World War II against dictatorships that maintained their internal power through the operation of vicious police practices that effectively terrorized their citizens.

Local law enforcement is among our most precious traditions. Yet, with this legislation we would empower a single Federal official in Washington to invade the States and take legal action against citizens for alleged or imagined acts that have been historically within the province of local courts and officials.

Does this not smack of the States that we so righteously condemn? Are we, unknowingly perhaps, taking a big step toward establishing a police state in our own country with the passage of legislation such as this?

We spend billions to defend ourselves from the attack of dictatorships from abroad. We gird ourselves to repel any invasion from without. Yet here in the Halls of this House of Representatives we are considering with the utmost solemnity the enactment of a law that would oppress our citizens in a way that strongly suggests the dictatorships we profess to despise.

The State governments did not ask for this invasion of their rights. No State officials have suggested that they needed the iron hand of the Federal Government to enforce the rights which are guaranteed us by State constitutions as well as the Federal Constitution. There has been no compelling evidence of the need for this legislation.

A number of small minority groups, for the most part, have promoted this vicious legislation. They have little or no official standing. They may mean well, but their good intentions do not change any aspect of this dangerous, vicious, destructive legislation. They represent no State nor political subdivision. Yet they presume to tell the Federal Congress what it must do in the matter of State rights.

In the past few years the cry of "civil rights" has been raised abroad in this land on many occasions. No mention is made of the precious Bill of Rights that is incorporated in our Constitution. "Civil rights" is a slogan to disguise any hateful change that self-serving groups may seek. Let us analyze, let us examine, let us study the effect on our Nation, our States, our institutions of this so-called "civil rights" legislation. Let us not be mislead by the harmless sounding phrase of "civil rights."

You remember the French poet Lamartine, who said so eloquently, "Oh, liberty, liberty. What crimes are committed in thy name."

Some historian of the future in looking back on this era may well describe our folly today by lamenting, "Oh, civil rights, civil rights. What crimes are committed in thy name."

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and include a letter.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCOTT. Mr. Chairman, I received today the following letter from Clarence Mitchell, director of the Washington Bureau of the National Association for the Advancement of Colored People:

JULY 19, 1956.

Hon. HUGH SCOTT,
House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN SCOTT: During the debate on H. R. 627, we have been amazed to hear questions raised about the possibility that this bill would give powers to the Attorney General that he might abuse by directing them against such matters as the refusal of citizens in Montgomery, Ala., to ride on segregated buses. Of course, there is nothing in the bill which gives the Attorney General authority to prosecute individuals who refuse to ride on a segregated bus. Presumably, those who raise this question have in mind section 103 of the bill which gives the Presidential Commission authority to investigate instances in which unwarranted economic pressures are used to deprive persons of their civil rights because of their color, race, religion, or national origin.

It is fantastic to suppose that a Commission established to protect civil rights would act in reverse and seek to destroy such rights. However, if this did occur, it would be the fault of the members of the Commission and not the fault of the language in the bill. Also, I am certain that the citizens of Montgomery or any other community in which there is flagrant denial of civil rights would be happy to state their case in any public forum. They know full well that their cause is so just that it commands universal respect and support in the court of public opinion.

The recital of laws, which contain the words "about to engage in any acts or practices," by Representative KENNETH KEATING shows that the use of this phrase in legislation is not new. Unfortunately, some persons who are adroit in heaping ridicule upon just causes have used this language again and again during the debate to inject a dubious kind of humor into the consideration of this bill. I hope that they will realize that when American citizens are denied the right to vote or are murdered when they seek to have their fellow citizens qualify to vote, there is no room for jokes when Congress considers a remedy for this tragic problem.

It may be well to remember that the families of Mr. and Mrs. Harry Moore, who were killed by a bomb explosion in Florida; the Reverend George W. Lee, who was fatally shot in Mississippi; and Lamar Smith, who was killed on election day in Brookhaven, Miss., are still alive and looking hopefully to the Federal Government for redress for the wrongs done to those who are now dead.

We are grateful to you and other Members of the House, on both sides of the aisle, for the patient and constructive work that you have done to bring this legislation to the floor.

In spite of the cries of politics, you and I know that underlying the effort to pass this bill is the fundamental desire of most Americans to translate our guaranties of freedom into the realities of everyday life.

Sincerely yours,

CLARENCE MITCHELL,
Director, Washington Bureau, National Association for the Advancement of Colored People.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Chairman, it appears to me that the bill now under consideration is the least that this Congress can do to implement civil rights. It presents a moderate approach to an emotional and controversial problem. The problem that this proposal seeks to resolve is, in my judgment, compounded by an unwillingness on the part of some of the leaders in local, State and Federal governments to exercise responsible leadership. Leaders in the political and community life of our Nation have the duty to lead. Education and enlightenment are requisites on matters that are fired with emotion. The hallmark of the great, devoted and sincere public leader is his all-consuming desire to see that right is done. That is what is sought to be done by the proposal now under consideration by this committee. Much is being made by the opponents that it sets up a police state; that the power that is granted to the Attorney General is too vast and broad and that the language of the bill is nebulous and confused. The record that has been made here in the debate, in my opinion, indicates that these objections are unfounded. Mr. Chairman, stripped of all the verbiage that has surrounded the proceedings on this matter, the bill stands as a moderate and needed approach on civil rights.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 627) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, had come to no resolution thereon.

THE VETERANS HOSPITAL RADIO GUILD

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include an article.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, several hundred devoted professionals from all branches of the entertainment industry are bringing a new concept to the rehabilitation of the hospitalized veterans in Veterans' Administration hospitals throughout the Nation. Not content with merely entertaining hospitalized veterans, these unpaid volunteers are using their special skills and their valuable time to encourage and train veterans in VA hospitals to write, act, sing, and produce original radio shows for broadcast over their own hospital networks. In the belief that the activities of these patriotic citizens are less well-known than they deserve to be, I should like to describe this splendid work in some detail.

This fine group is known as the Veterans Hospital Radio Guild, a nonprofit, volunteer organization chartered in New York State. The motto of the organization is "Help a vet to help himself." Founded early in 1948, the VHRG, in only 8 years of operation, has developed new and startling, yet medically sound, methods of rehabilitating disabled servicemen confined to veterans hospitals through the use of music and radio shows.

Recently, at the White House correspondents' dinner for President Eisenhower, I had the opportunity of hearing about some of the work being done by this splendid group from its newly elected President, Mr. Alex Kramer, member of the board of the American Society of Composers, Authors, and Publishers—ASCAP. Mr. Kramer told me that this rehabilitation program for hospitalized servicemen is receiving support and encouragement not only from the Veterans' Administration, but from all segments of the entertainment industry, including of course ASCAP, the radio and television networks, and the professional organizations of actors, directors, and musicians. More than 350 professionals from all branches of the entertainment industry are members of this pioneering organization.

We all know that the first step in healing a hospitalized patient is for the patient to want to get well. In far too many cases, our hospitalized veterans become, in the words of the poet, "the world forgetting, by the world forgot." In many instances, the first step in their rehabilitation is to implant in their minds and hearts a feeling of togetherness, of belonging, of contact with their fellow men. Only in such an atmosphere can the doctors and nurses perform their healing tasks.

The work of the Veterans Hospital Radio Guild has a twofold purpose: To let the hospitalized veteran know that we on the outside remember him, and to give him practical assistance in taking the first difficult steps toward recovery and readjustment. By creating their own entertainment, under the supervision and with the help of skilled professionals, thousands of veterans have been given a renewed self-confidence and have been started on the road to recovery and readjustment.

With the assistance of a VHRG team, hospitalized veterans write their own scripts, make their own sound effects, compose and perform their own songs. They then broadcast the program they have created over the hospital radio system, known as the "bedside network."

Some of the results have been startling. A boy in a mental hospital who had never spoken a word since he had seen his buddy blown to bits in Korea hesitantly joined in the chorus of Smiles—and now has reached a point where the doctors can help him. A paraplegic, paralyzed in all four limbs, has developed a renewed interest in living as a result of discovering a real talent for showmanship. Many remarkable cases of speeding recovery have occurred with patients who seemed to have lost all interest, but who through mastering a musical instrument, participating in a professional-type broadcast, writing scripts, acting, directing or merely joining in the chorus of a well-remembered song, have been given a new incentive to get well.

Starting as an experiment in Halloran Veterans Hospital on Staten Island, the VHRG currently serves more than 6,000 patients in New York area, and is beginning to spread into other States—including New Jersey, Pennsylvania, and—I am happy to say—my own Commonwealth of Massachusetts. In addition, the Guild services 40 VA hospitals in various sections of the United States and Alaska with a Scriptkit library, which includes a completely packaged show containing scripts, sound equipment and detailed production directions. Eventually, the Guild hopes to serve all 172 Veterans' Administration hospitals in the 48 States and Territories.

It was a great thrill to learn from VHRG President Alex Kramer about the wonderful work being done by his organization. I feel I am doing a service to my fellow Members of Congress in bringing to their attention the work of this patriotic group.

The guiding hands of the Veterans Hospital Radio Guild represent all areas of the entertainment and broadcasting industry. Their names read like a "Who's Who" of the radio, television, advertising, and entertainment world. For instance, the VHRG advisory board is made up of Paul Cunningham, president of ASCAP; Stanley Adams, past ASCAP president; Carl Haverlin, president, Broadcast Music, Inc.; Ernest L. Jahncke, Jr., vice president and assistant to the president, American Broadcasting Co.; Dr. Harvey J. Tompkins, director of the Jacob L. Reiss Mental Health Pavilion, St. Vincent's Hospital, New York, and former director of psychiatry and neurology for the Veterans' Administration, and J. L. Van Volkenburg, president of television operations, Columbia Broadcasting System.

The VHRG board of governors is made up of this representative group: Jay Berry, vice president of Brooks, Smith, French & Dorrance, New York; Doris E. Corwin, NBC supervisor of public affairs; Hal Davis, vice president in charge of promotion, Kenyon & Eckhardt, New York; Sydney H. Eiges, NBC vice president in charge of press; Kenneth Groot, executive secretary, American Federation of TV and Radio Artists, New York local; Russell Patterson, former president, National Cartoonists Society; Roger Pryor, vice president in charge of radio-TV, Foote, Cone & Belding, New York; Beverly Smith, Kenyon & Eckhardt, New York, and Joe Rosenfield, of Radio Station WMGM, New York.

The following are the officers and members of the VHRG board of directors: President, Alex Kramer, songwriter and ASCAP director; first vice president, Michael Enserro, actor; second vice president, William C. Jackson, actor and publisher; treasurer, Anita Phillips, singer; secretary, Shirley Berry, radio and television producer; Douglass Parkhirst, actor and writer; Arlene Steele, program director, Community Concerts,

Inc., Columbia Artists Management; Hubert Wilke II, sales manager, Teleprompter, Inc.; Walter Bishop, songwriter and vice president, Songwriters Protective Association; Jean Tighe, president emeritus and cofounder of the Veterans Hospital Radio Guild; and A. Carl Rigrod, VHRG cofounder.

The fund-raising committee of the Veterans Radio Guild consists of the following: Jules Gutterman, president, Provocative Packaging, Inc.; Jean Tighe, cochairman; Robert Brenner, NBC Film Sales; Helen E. Lee, Walt Framer Productions; Toni Mendez, president, Toni Mendez, Inc.; A. Carl Rigrod, cofounder, vice president in charge of radio-TV-motion picture division, Donahue & Coe; Arlene Steele, program director, Columbia Artists Management; Michael J. Wardell, public relations director, eastern region, American Airlines; William C. Jackson, AFTRA-SAG-Equity, and Joseph F. Hannigan, executive secretary.

The Veterans Hospital Radio Guild, located at 353 West 57th Street, New York 14, N. Y., needs the support and encouragement of the public, in order to maintain its current program, to purchase technical equipment such as tape recorders, sound turntables, mixers, microphones, and so forth, and ultimately to extend its services to Veterans' Administration hospitals in each of the 48 States. I am sure that as this fine movement grows and becomes more widely known, the Veterans Hospital Radio Guild will receive the wholehearted public support it needs and deserves.

I am gratified to know that the distinguished composer, Mr. Alex Kramer, has undertaken the leadership of this great and worthy cause and that he is assured of the continued wholehearted support and cooperation of ASCAP's brilliant president and celebrated creative artist, Mr. Paul Cunningham, as well as the assistance of so many other famous figures of the musical and entertainment world.

I am proud to urge support for this fine undertaking.

H. R. 11122

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent that the proceedings by which the bill H. R. 11122 was passed be vacated.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at this time.

Mr. HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN of Michigan. Mr. Speaker, the motion which I offered reads as follows:

> I move that the Clerk of the House be and he hereby is directed to respectfully request the Senate, in behalf of the membership of the House, to return H. R. 11122 for further consideration by the House.

Mr. Speaker, is there any way by which the proceedings by which that bill was passed may now be vacated and the bill brought back?

The SPEAKER. The bill is not in charge of the House. The bill is in the Senate of the United States at this time.

Mr. HOFFMAN of Michigan. There is no proceeding by which we can get it back; is that right?

The SPEAKER. Not that the Chair can figure out.

UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 455)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed, with illustrations:

To the Congress of the United States:

I transmit herewith, pursuant to the United Nations Participation Act, the 10th annual report, covering the year 1955, on United States participation in the United Nations.

The prime purpose of the United Nations—"to save succeeding generations from the scourge of war"—remains unchanged. This goal as well as those of human rights, justice, and social progress are ardently desired by the American people. I, therefore, found special satisfaction in addressing the United Nations Commemorative Conference in San Francisco in June 1955, which was convened to mark the 10th anniversary of the signing of the charter.

The record for 1955 shows that the United Nations, now in its second decade, is increasingly vital and effective. I draw your attention to a few of the year's developments which especially command the interest of the United States.

1. First in significance for peace and progress, in the long range view, are the United Nations contributions to the peaceful applications of atomic energy. Having proposed before the General Assembly in 1953 that an international atomic-energy agency be created, I have carefully followed developments in this field. The progress made in the past 2 years is impressive.

Although the Soviet Union's response to the initial proposal for an international agency was negative and disappointing, we and other interested nations pressed on with new proposals.

Important strides in this momentous field were thus made in 1955. In August, pursuant to a United States proposal, scientists from 73 states met under United Nations auspices for 2 weeks in Geneva in an International Technical Conference to explore the promise of the atom. The Conference provided valuable opportunities for the exchange of scientific knowledge for the benefit of mankind between scientists without regard for ideologies.

There was also progress in the creation of the international agency itself. The determination of free nations to advance this program, together with the great prestige of the United Nations, resulted in unanimous approval by the 10th General Assembly of the prospective creation of the International Atomic Energy Agency. The statute of the Agency is now ready for adoption. The Agency itself should be established during the coming year.

This progress in converting the atom to peaceful use illustrates the ability of the United Nations to get results in the face of what might seem insurmountable obstacles.

At the time I originally proposed the development of peaceful uses of atomic energy I had this in mind: That if the world could cooperate and move ahead significantly in this field, this might make it easier to move ahead in the far more difficult field of disarmament. I am still convinced that this is so. When this agency comes into being the confidence, the cooperation, and the trust which it will engender among nations can bring us significantly closer to the day when honest disarmament can be realized.

Disarmament, and by this I mean the controlled reduction of military forces and of conventional and nuclear weapons, remains one of the most vital unsolved problems facing the world. The Soviet Union and the United States are the two great nuclear powers. Both possess an enormous potential for either the welfare or the destruction of mankind. The responsibility, therefore, lies particularly upon us and the Soviet Union to produce a workable plan for safeguarded disarmament. Other nations look with justified anxiety for signs that this is being done.

Our Government, the first to master atomic energy, was likewise the first to offer to put it under the control of the United Nations. Ten years have elapsed since that time, but our repeated efforts to reach agreement through the United Nations have been unavailing. The basic reason for this is the mutual distrust existing between the Soviet Union and other nations.

2. The dispelling of this paralyzing distrust was my main purpose in proposing at Geneva last July the plan for aerial inspection by the United States and the Soviet Union of each other's military installations. Such a system should make it impossible for either side to make a massive surprise attack on the other. Last December the General Assembly by the overwhelming vote of 56 to 7 asked that this be one of the proposals to receive priority consideration as a confidence-building first step on the road to arms reduction. The Soviet Union has nevertheless refused, thus far, to accept this offer. But we and our associates should continue, with patient resolve, to seek common ground with the Soviet Union on this or some equally effective program that could lead to safeguarded disarmament, looking for the day when the Soviets will change their view on this topic, as they have done on others in the past.

We shall continue to obey the mandate of the United Nations in this field. We shall continue our search until we have found the answer to this awesome problem. We shall be guided by the knowledge that no nation can live in the true spirit of peace or devote its energies to the pursuit of happiness until the trend toward increasingly destructive armaments is reversed.

3. In 1955 the United Nations made its contribution to the continuance of a world fortunately free from open war.

In the strife between the Arab States and Israel, which reflects intense political, economic, and cultural tensions, the United Nations succeeded for another year in maintaining the uneasy armistice. Measured against the tragic alternative, this ranks as a substantial accomplishment.

The stabilizing influence that the United Nations has been able to exert upon the near eastern situation is one of the best proofs of the sheer necessity of the United Nations. We are in an era of resurgent nationalism, which has very little tolerance for the methods of pacification and arbitration imposed from without that have worked in other eras. In the Near East the United Nations has provided perhaps the only force—essentially a moral force—that can maintain the armistice and work toward a permanent solution. Secretary-General Hammarskjold's mission undertaken this spring as a result of United States initiative in the Security Council made a substantial contribution to improving a serious and dangerous situation there. It illustrates the ability of the United Nations to develop over a period of time, through patient testing, workable methods that, when world opinion is mobilized, can deal successfully with such serious problems.

4. One more United Nations achievement of 1955 is especially precious for Americans because it concerns our own flesh and blood. In May and August, the Chinese Communist authorities released from unjust and illegal imprisonment 15 American fliers, fighting men of the Korean war. They had detained these men in violation of the Korean Armistice. Most of them had been victims of fabricated propaganda charges. Their return to their homes followed Secretary-General Hammarskjold's trip to Peiping armed with a mandate from the General Assembly. It proved with dramatic force the power of the United Nations to influence events through its impact on world opinion.

5. The end of year 1955 found the United Nations larger by 16 members, giving it a total membership of 76. For years the Soviet veto had kept many fully qualified states from taking their place in the United Nations. Finally the pressure of world opinion made possible a generally acceptable solution.

As additional countries become qualified for membership, they should be admitted without delay. I am glad to note that the Sudan, which achieved independence late in 1955, has already been recommended for admission by the Security Council. Certainly, the grossly unjust exclusion of Japan by repeated Soviet vetoes should be promptly rectified. The Republic of Korea and Vietnam are likewise fully eligible for membership.

The United Nations in its first decade has not seen a single member withdraw from membership. To the contrary, most of those outside the organization seek to join it. Nothing could more clearly prove its vitality and influence.

I commend to the Congress this report of United States participation in the 10th year of the United Nations. It is a record of substantial evolution in man's efforts to live at peace. It is up to us and the other member states to see that the United Nations serves with increasing effectiveness, within the charter, its central purpose of maintaining the peace and fostering the well-being of all peoples. To this end the United Nations and the Specialized Agencies associated with it deserve, and should continue to receive, our honest, intelligent, and wholehearted support.

DWIGHT D. EISENHOWER.

The WHITE HOUSE, *July 19, 1956.*

CARRIAGE OF DISABLED PERSONS ON COMMON CARRIERS

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1777) to amend the Interstate Commerce Act in order to authorize common carriers to carry a disabled person requiring an attendant and such attendant at the usual fare charged for one person.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 22 of the Interstate Commerce Act is amended by inserting after "or other guide dog specially trained and educated for that purpose" a comma and "or from carrying a disabled person accompanied by an attendant if such person is disabled to the extent of requiring such attendant."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SOCIAL SECURITY ACT AMENDMENTS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7225) to amend title II of the Social Security Act to provide disability-insurance benefits for certain disabled individuals who have attained age 50, to reduce to age 62 the age on the basis of which benefits are payable to certain women, to provide for continuation of child's insurance benefits for children who are disabled before attaining age 18, to extend coverage, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COOPER, MILLS, GREGORY, REED of New York, and JENKINS.

JEANN C. MARSH

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution (H. Res. 565) for the relief of Jeann C. Marsh.

The Clerk read the resolution, as follows:

Resolved, That there shall be paid out of the contingent fund of the House of Representatives to Jeann C. Marsh, widow of Daniel Edward Marsh, late an employee of the Office of the Architect of the Capitol, an amount equal to 6 months' salary at the rate Marsh was receiving at the time of his death and an additional amount not to exceed $350 toward defraying the funeral expenses of said Daniel Marsh.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. HAYS of Ohio. Reserving the right to object, Mr. Speaker, is this the resolution that has been pending for many months in the Committee on House Administration and has not been reported out favorably?

Mr. McMILLAN. I was asked by members of the committee to call it up on the floor of the House. They did not want to set a precedent by passing it out of the gentleman's committee. I have similar resolutions, one concerning a matter that arose just 2 weeks ago.

Mr. HAYS of Ohio. I am a member of that committee, and I have no knowledge that the committee took any such action as to ask that this be called up separately.

Mr. McMILLAN. No; I do not think the committee did. I say individual Members asked me to bring it up.

Mr. HAYS of Ohio. I am not going to object, but I just want to call attention again to the fact that this has happened in the past. The committee has turned down these resolutions and then Members come in here and call them up under unanimous consent.

I withdraw my reservation of objection, Mr. Speaker.

Mr. MARTIN. Reserving the right to object, Mr. Speaker, will the gentleman explain this resolution?

Mr. McMILLAN. This gentleman, Mr. Marsh, was employed by the Architect's office. He had a heart attack and passed away on duty. This resolution is similar to several others relating to employees in the Office of the Architect who have passed away.

Mr. MARTIN. Is the minority representation aware of the calling up of these resolutions?

Mr. MARSHALL. This is the matter of the resolution to pay the funeral expenses and 6 months' salary to the estates of deceased employees of the House, which I discussed with the distinguished minority leader yesterday.

Mr. MARTIN. Mr. Speaker, I withdraw my reservation of objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLAIMS ARISING OUT OF WOLD-CHAMBERLAIN AIRFIELD CRASH

Mr. McCORMACK. Mr. Speaker, at the request of the chairman of the Committee on the Judiciary and also in my

own right, I ask unanimous consent for the present consideration of the bill (H. R. 12170) to remove the present $1,000 limitation which prevents the Secretary of the Navy from settling certain claims arising out of the crash of a naval aircraft at the Wold-Chamberlain Air Field, Minneapolis.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the $1,000 limitation contained in the first section of the act of July 3, 1943, as amended (31 U. S. C. 223b), shall not apply in the case of claims arising out of the crash of a United States Navy aircraft near Wold-Chamberlain Air Field, Minneapolis, Minn., on June 9, 1956.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF GOVERNMENT-OWNED SYNTHETIC RUBBER RESEARCH LABORATORIES AT AKRON, OHIO

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3832) to provide for the disposal of the Government-owned synthetic rubber research laboratories at Akron, Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. ARENDS. Mr. Speaker, reserving the right to object, and I will not object, is this not, as I understand it, a bill which was unanimously reported out of the Committee on Armed Services and will the gentleman make a short explanation which I think will be appreciated for the benefit of the House.

Mr. BROOKS of Louisiana. Mr. Speaker, this is practically the last part of the rubber program. There is a little pilot plant at Akron, Ohio, which has been under the control of the National Science Foundation. The National Science Foundation was left in charge of it to operate it as long as that Agency felt it should be operated. Now the National Science Foundation tells us they have come to the end of the program and the plant is no longer being operated, and has been put in standby condition. The purpose of this measure is to turn the property over to the General Services Administration for disposal in accordance with the Federal Property and Administrative Services Act of 1949.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Government laboratories at Akron, Ohio, now under control of the National Science Foundation are hereby transferred to the General Services Administration for disposal in accordance with the Federal Property and Administrative Services Act of 1949, except that the Administrator of General Services shall first offer the laboratories for public sale before seeking to dispose of them by transfer or assignment to any Federal agency. The Administrator of General Services, before he offers the laboratories to the public for sale, shall ascertain what the value of the laboratories would be to Government agencies which would make substantial use thereof, and the Administrator shall not sell the laboratories to the public unless he finds, after consultation with the Director of the Budget Bureau, that such sale to the public would be in the best interests of the United States, taking into consideration among other relevant factors the value of the laboratories to any interested agency and the amounts offered by public bidders. The National Science Foundation is authorized to reimburse the General Services Administration in advance for expenses necessary for the protection and maintenance of the laboratories up to June 30, 1957.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT ON COMMUNIST CONSPIRACY

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the concurrent resolution (H. Con. Res. 254) authorizing the printing of additional copies of House Reports Nos. 2240, 2241, 2242, 2243, and 2244, current session, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities, House of Representatives, 10,000 additional copies each of House Reports Nos. 2240, 2241, 2242, 2243, and 2244, current session, all of which are reports on the Communist conspiracy.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Ohio. I yield.

Mr. LECOMPTE. May I ask the gentleman, at this time you contemplate calling up 6 or 7 so-called printing resolutions, all of which are for several of the standing committees of the House.

Mr. HAYS of Ohio. That is correct.

Mr. LECOMPTE. They have all been voted out by the subcommittee of the Committee on House Administration unanimously and no opposition has developed to any of the resolutions which you have before you at this time.

Mr. HAYS of Ohio. All of the resolutions which I intend to call up are privileged resolutions, I may say to the gentleman, and all of them were reported out of the subcommittee unanimously and reported out of the full committee unanimously. They have all been cleared with the leadership on both sides.

Mr. LECOMPTE. And all of them are for the use of standing committees of the House?

Mr. HAYS of Ohio. That is correct.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HEARINGS ON CIVIL DEFENSE FOR NATIONAL SURVIVAL

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the concurrent resolution (H. Con. Res. 261) authorizing the printing of additional copies of the hearings on civil defense for national survival held during the current session by a subcommittee of the Committee on Government Operations, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Government Operations not to exceed 3,000 additional copies of each part of the hearing held by the Subcommittee on Military Operations, Committee on Government Operations, during the current session relative to civil defense for national survival.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF HEARINGS BY RESEARCH AND DEVELOPMENT SUBCOMMITTEE

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Con. Res. 262) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Joint Committee on Atomic Energy 40,000 additional copies of the hearings held by the Research and Development Subcommittee of the said joint committee during the 84th Congress entitled "Progress Report on Research in Medicine, Biology, and Agriculture Using Radioactive Isotopes."

With the following committee amendment:

Page 1, line 2, after the word "printed" insert "with illustrations."

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LABOR-MANAGEMENT PROBLEMS OF THE AMERICAN MERCHANT MARINE

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Con. Res. 263) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Merchant Marine and Fisheries, House of Representatives, 1,000 additional copies of the hearing held by said committee during the current Congress, first session, relative to labor-management problems of the American merchant marine.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUSE REPORT NO. 2279

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 529) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Government Operations, House of Representatives, 4,000 additional copies of House Report No. 2279, a report of the Committee on Government Operations on the effect of Department of the Interior and Rural Electrification Administration policies on public power preference customers.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Ohio. I yield.

Mr. HOFFMAN of Michigan. Is that the resolution where there is an understanding that the minority members are to have a proportionate share of the printing?

Mr. HAYS of Ohio. The gentleman is correct. The gentleman from Ohio, the chairman of the Subcommittee on Printing, will issue orders to the Printer, and it is understood and agreed by everyone that the minority will get its share.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Ohio. I yield.

Mr. LECOMPTE. That understanding prevails on all of these resolutions, does it not?

Mr. HAYS of Ohio. That is correct.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF TESTIMONY OF NIKOLAI KHOKHLOV

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 573 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Un-American Activities Committee 10,000 additional copies of the hearing held by that committee during the current session containing the testimony of Nikolai Khokhlov.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HEARINGS ON HEALTH AMENDMENT ACT OF 1956

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 596) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Interstate and Foreign Commerce, House of Representatives, 3,500 additional copies of the hearings held by said committee during the current session relative to the Health Amendments Act of 1956.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NIAGARA FRONTIER PORT AUTHORITY

Mr. RADWAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. J. Res. 549) granting the consent of Congress to the State of New York to negotiate and enter into an agreement or compact with the Dominion of Canada for the establishment of the Niagara Frontier Port Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N. Y. and the city of Fort Erie, Ontario, Canada.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. RADWAN]?

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That the Congress hereby consents to the negotiation and entering into of a compact or agreement between the State of New York and the Dominion of Canada providing for (1) the establishment of the Niagara Frontier Port Authority substantially in accordance with the provisions of chapter 870 of the laws of 1955 of the State of New York as amended or supplemented; (2) the transfer of the operation, control, and maintenance of the present highway bridge (the Peace Bridge) over the Niagara River between the city of Buffalo, N. Y., and the city of Fort Erie, Ontario, Canada, to the Niagara Frontier Port Authority; (3) the transfer of all of the property, rights, powers, and duties of the Buffalo and Fort Erie Public Bridge Authority acquired by such authority under the compact consented to by the Congress in Public Resolution 22 of the 73d Congress, approved May 3, 1934 (48 Stat. 662), to the Niagara Frontier Port Authority; and (4) the consolidation of the Buffalo and Fort Erie Public Bridge Authority with the Niagara Frontier Port Authority and the termination of the corporate existence of the Buffalo and Fort Erie Public Bridge Authority.

SEC. 2. The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

Amend the title so as to read: "A bill granting the consent of Congress to the State of New York to negotiate and enter into an agreement or compact with the Government of Canada for the establishment of the Niagara Frontier Port Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N. Y., and the city of Fort Erie, Ontario, Canada."

With the following committee amendments:

Page 1, line 6, strike out "Dominion" and insert in lieu thereof "Government."

The resolution was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State of New York to negotiate and enter into an agreement or compact with the Government of Canada for the establishment of the Niagara Frontier Port Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N. Y., and the city of Fort Erie, Ontario, Canada."

A motion to reconsider was laid on the table.

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5337) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 3, after "2." insert "(a)."

Page 2, after line 5, insert:

"(b) The last proviso of section 4 (a) of such act (7 U. S. C., sec. 499d (a)) is amended by striking out 'a fee of $20' and inserting 'the fee provided in section 3 (b), plus $5'."

Page 5, line 6, strike out all after "(a)" down to and including "gives" in line 17 and insert:

"The Secretary or his duly authorized agents shall have the right to inspect such accounts, records, and memoranda of any commission merchant, dealer, or broker as may be material (1) in the investigation of complaints under this act, or (2) to the determination of ownership, control, packer, or State, country, or region of origin in connection with commodity inspections, or (3) to ascertain whether section 9 of this act is being complied with, and if any such commission merchant, dealer, or broker refuses to permit such inspection, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender until permission to make such inspection is given."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

Mr. CURTIS of Missouri. Mr. Speaker, reserving the right to object, will the gentleman explain the bill briefly?

Mr. ALBERT. I shall be pleased to.

The bill will strengthen the enforcement provisions of the Perishable Agricultural Commodities Act. The purpose of that act is to prevent unfair and fraudulent practices in the marketing fresh fruits and vegetables in interstate commerce. The changes in the act made by the bill were carefully worked out with the Department of Agriculture and all segments of the fresh fruit and vegetable business. The amendments made by the Senate are minor in nature and are merely clarifying and technical in character.

Mr. CURTIS of Missouri. I want to thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REDUCED RATE AIR TRANSPORTATION FOR MINISTERS

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 3149) to amend the Civil Aeronautics Act of 1938 in order to permit air carriers to grant free or reduced rate transportation to ministers of religion, and ask

unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2750)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3149) to amend the Civil Aeronautics Act of 1938 in order to permit air carriers to grant free or reduced rate transportation to ministers of religion, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That subsection (b) of section 403 of the Civil Aeronautics Act of 1938, as amended, is amended by inserting at the end thereof the following sentence: 'Any air carrier or foreign air carrier, under such terms and conditions as the Board may prescribe, may grant reduced-rate transportation to ministers of religion on a space available basis.'"

And the House agree to the same.

That the title be amended to read as follows: "An Act to amend the Civil Aeronautics Act of 1938 in order to permit air carriers to grant reduced-rate transportation to ministers of religion."

OREN HARRIS,
F. ERTEL CARLYLE,
PETER F. MACK, Jr.
CHAS. A. WOLVERTON,
CARL HINSHAW,
Managers on the Part of the House.

MIKE MONRONEY,
WARREN G. MAGNUSON,
GEORGE A. SMATHERS,
ANDREW F. SCHOEPPEL,
FREDERICK G. PAYNE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3149) to amend the Civil Aeronautics Act of 1938 in order to permit air carriers to grant free or reduced rate transportation to ministers of religion, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. Except for conforming changes in the title, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

The Senate bill amended section 403 (b) of the Civil Aeronautics Act of 1938 to permit all air carriers and foreign air carriers, under such terms and conditions as the Civil Aeronautics Board may prescribe, to grant free or reduced-rate transportation to ministers of religion on a space available basis.

The House amendment, which struck out all of the Senate bill after the enacting clause, amended section 403 (b) of the Civil Aeronautics Act of 1938 to permit only those air carriers and foreign air carriers not receiving so-called subsidy payments determined by the Civil Aeronautics Board under section 406 of such act and payable by such Board pursuant to Reorganization Plan No. 10 of 1953, during any period with respect to which such carriers grant reduced-rate transportation, to grant reduced-rate transpotation, but not free transportation, to ministers of religion under such terms and conditions as such Board may prescribe. The House amendment did not contain a provision relating to the availability of space.

The substitute agreed to by the committee of conference permits all air carriers and foreign air carriers, under such terms and conditions as the Civil Aeronautics Board may prescribe, to grant reduced-rate transportation, but not free transportation, to ministers of religion, without regard to whether such carriers are receiving so-called subsidy payments determined by such Board under section 406 of such act and payable by such Board pursuant to Reorganization Plan No. 10 of 1953. Under the substitute such reduced-rate transportation will be provided only on a space-available basis. The test to be applied in determining the availability of space is whether space is available on the aircraft immediately prior to the time of takeoff. This test, in effect, eliminates any possibility of granting reduced-rate transportation to ministers of religion which would interfere with the transportation of first-class ticket holders.

OREN HARRIS,
F. ERTEL CARLYLE,
PETER F. MACK, Jr.,
CHAS. A. WOLVERTON,
CARL HINSHAW,
Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be printed at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(The statement reads as follows:)

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3149) to amend the Civil Aeronautics Act of 1938 in order to permit air carriers to grant free or reduced rate transportation to ministers of religion, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. Except for conforming changes in the title, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

The Senate bill amended section 403 (b) of the Civil Aeronautics Act of 1938 to permit all air carriers and foreign air carriers, under such terms and conditions as the Civil Aeronautics Board may prescribe, to grant free or reduced-rate transportation to ministers of religion on a space available basis.

The House amendment, which struck out all of the Senate bill after the enacting clause, amended section 403 (b) of the Civil Aeronautics Act of 1938 to permit only those air carriers and foreign air carriers not receiving so-called subsidy payments determined by the Civil Aeronautics Board under section 406 of such act and payable by such Board pursuant to Reorganization Plan No. 10 of 1953, during any period with respect to which such carriers grant reduced-rate transportation, to grant reduced-rate transportation, but not free transportation, to ministers of religion under such terms and conditions as such Board may prescribe. The House amendment did not contain a provision relating to the availability of space.

The substitute agreed to by the committee of conference permits all air carriers and foreign air carriers, under such terms and conditions as the Civil Aeronautics Board may prescribe, to grant reduced-rate transportation, but not free transportation, to ministers of religion, without regard to whether such carriers are receiving so-called subsidy payments determined by such Board under section 406 of such act and payable by such Board pursuant to Reorganization Plan No. 10 of 1953. Under the substitute such reduced-rate transportation will be provided only on a space available basis. The test to be applied in determining the availability of space is whether space is available on the aircraft immediately prior to the time of takeoff. This test, in effect, eliminates any possibility of granting reduced-rate transportation to ministers of religion which would interfere with the transportation of first-class-ticket holders.

OREN HARRIS,
F. ERTEL CARLYLE,
PETER F. MACK, Jr.,
CHAS. A. WOLVERTON,
CARL HINSHAW,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONSTRUCTION OF HEALTH RESEARCH FACILITIES

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 849) to provide assistance to certain non-Federal institutions for construction of facilities for research in crippling and killing diseases such as cancer, heart disease, poliomyelitis, nervous disorders, mental illness, arthritis, and rheumatism, blindness, cerebral palsy, tuberculosis, multiple sclerosis, epilepsy, cystic fibrosis, and muscular dystrophy, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2773)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 849) to provide assistance to certain non-Federal institutions for construction of facilities for research in crippling and killing diseases such as cancer, heart disease, poliomyelitis, nervous disorders, mental illness, arthritis and rheumatism, blindness, cerebral palsy, tuberculosis, multiple sclerosis, epilepsy, cystic fibrosis, and muscular dystrophy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with the following amendments:

(1) On page 5 of the House engrossed amendments, in line 9, strike out "1958" and insert "1957";

(2) On page 5 of the House engrossed amendments, in line 17, strike out "1959" and insert "1958";

(3) On page 10 of the House engrossed amendments, in line 9, strike out "1958" and insert "1957"; and

(4) On page 10 of the House engrossed amendments, in line 15, strike out "1959" and insert "1958".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

OREN HARRIS,
F. ERTEL CARLYLE,
KENNETH A. ROBERTS,
MARTIN DIES,
CHAS. A. WOLVERTON,
CARL HINSHAW,
Managers on the Part of the House.

LISTER HILL,
JAMES E. MURRAY,
HERBERT H. LEHMAN,
H. ALEXANDER SMITH,
WILLIAM A. PURTELL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 849) to provide assistance to certain non-Federal institutions for construction of facilities for research in crippling and killing diseases such as cancer, heart disease, poliomyelitis, nervous disorders, mental illness, arthritis and rheumatism, blindness, cerebral palsy, tuberculosis, multiple sclerosis, epilepsy, cystic fibrosis, and muscular dystrophy, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill established a three-year program of construction of facilities for research into certain killing and crippling diseases, to begin July 1, 1955.

The House amendment is a substitute for the text of the Senate bill, and establishes a three-year program for construction of health research facilities, to begin July 1, 1957.

The Senate recedes with amendments. The conference agreement provides that the program of construction shall be a three-year program, beginning during the fiscal year which ends June 30, 1957, and makes corresponding changes in other dates specified in the House amendment.

OREN HARRIS,
F. ERTEL CARYLE,
KENNETH A. ROBERTS,
MARTIN DIES,
CHAS. A. WOLVERTON,
CARL HINSHAW,
Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House may be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

(The statement reads as follows:)

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 849) to provide assistance to certain non-Federal institutions for construction of facilities for research in crippling and killing diseases such as cancer, heart disease, poliomyelitis, nervous disorders, mental illness, arthritis and rheumatism, blindness, cerebral palsy, tuberculosis, multiple sclerosis, epilepsy, cystic fibrosis, and muscular dystrophy, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill established a 3-year program of construction of facilities for research into certain killing and crippling diseases, to begin July 1, 1955.

The House amendment is a substitute for the text of the Senate bill, and establishes a 3-year program for construction of health research facilities, to begin July 1, 1957.

The Senate recedes with amendments. The conference agreement provides that the program of construction shall be a 3-year program, beginning during the fiscal year which ends June 30, 1957, and makes corresponding changes in other dates specified in the House amendment.

OREN HARRIS,
F. ERTEL CARLYLE,
KENNETH A. ROBERTS,
MARTIN DIES,
CHAS. A. WOLVERTON,
CARL HINSHAW,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MASS TRANSPORTATION IN THE DISTRICT OF COLUMBIA

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 3073) to provide for an adequate and economically sound transportation system or systems to serve the District of Columbia and its environs, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

Mr. HESELTON. Mr. Speaker, reserving the right to object, will the gentleman tell us what this bill is?

Mr. HARRIS. Yes; this deals with transportation for the District of Columbia.

Mr. HESELTON. Will the gentleman yield to me to ask 2 or 3 questions?

Mr. HARRIS. Yes; as soon as it is reported.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No 2751)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3073) to provide for an adequate and economically sound transportation system or systems to serve the District of Columbia and its environs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE I

"Part 1.—Franchise provisions

"SECTION 1. (a) There is hereby granted to D. C. Transit System, Inc., a corporation of the District of Columbia (referred to in this part as the 'Corporation') a franchise to operate a mass transportation system of passengers for hire within the District of Columbia and between the District of Columbia and points within the area (referred to in this part as the 'Washington Metropolitan Area') comprising all of the District of Columbia, the cities of Alexandria and Falls Church, and the counties of Arlington and Fairfax in the Commonwealth of Virginia and the counties of Montgomery and Prince Georges in the State of Maryland, subject, however, to the rights to render service within the Washington Metropolitan Area possessed, at the time this section takes effect, by other common carriers of passengers: *Provided,* That nothing in this section shall be construed to exempt the Corporation from any law or ordinance of the Commonwealth of Virginia or the State of Maryland or any political subdivision of such Commonwealth or State, or of any rule, regulation, or order issued under the authority of any such law or ordinance, or from applicable provisions of the Interstate Commerce Act and rules and regulations prescribed thereunder.

"(b) Wherever reference is made in this part to 'D. C. Transit System, Inc.' or to the 'Corporation', such reference shall include the successors and assigns of D. C. Transit System, Inc.

"(c) As used in this part the term 'franchise' means all the provisions of this part 1.

"SEC. 2. (a) This franchise is granted for a term of twenty years: *Provided, however,* That Congress reserves the right to repeal this franchise at any time for its non-use.

"(b) In the event of cancellation of this franchise by Congress after seven years from the date this franchise takes effect for any reason other than non-use, the Corporation waives its claim for any damages for loss of franchise.

"SEC. 3. No competitive street railway or busline, that is, bus or railway line for the transportation of passengers of the character which runs over a given route on a fixed schedule, shall be established to operate in the District of Columbia without the prior issuance of a certificate by the Public Utilities Commission of the District of Columbia (referred to in this part as the 'Commission') to the effect that the competitive line is necessary for the convenience of the public.

"SEC. 4. It is hereby declared as a matter of legislative policy that in order to assure the Washington Metropolitan Area of an adequate transportation system operating as a private enterprise, the Corporation, in accordance with standards and rules prescribed by the Commission, should be afforded the opportunity of earning such return as to make the Corporation an attractive investment to private investors. As an incident thereto the Congress finds that the opportunity to earn a return of at least 6½ per centum net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on either the system rate base or on gross operating revenues would not be unreasonable, and that the Commission should encourage and facilitate the shifting to such gross operating revenue base as promptly as possible and as conditions warrant; and if conditions warrant not later than August 15, 1958. It is further declared as a matter of legislative policy that if the Corporation does provide the Washington Metropolitan Area with a good public transportation system, with reasonable rates, the Congress will maintain

a continuing interest in the welfare of the Corporation and its investors.

"SEC. 5. The initial schedule of rates which shall be effective within the District of Columbia upon commencement of operations by the Corporation shall be the same as that effective for service by Capital Transit Company approved by the Commissioners of the District of Columbia pursuant to the Act of August 14, 1955 (Public Law No. 389, 84th Congress; 69 Stat. 724), in effect on the date of the enactment of this Act, and shall continue in effect until August 15, 1957, and thereafter until superseded by a schedule of rates which becomes effective under this section. Whenever on or after August 15, 1957, the Corporation files with the Commission a new schedule of rates, such new schedule shall become effective on the tenth day after the date of such filing, unless the Commission prescribes a lesser time within which such new schedule shall go into effect, or unless prior to such tenth day the Commission suspends the operation of such new schedule. Such suspension shall be for a period of not to exceed one hundred twenty days from the date such new schedule is filed. If the Commission suspends such new schedule it shall immediately give notice of a hearing upon the matter and, after such hearing and within such suspension period, shall determine and by order fix the schedule of rates to be charged by the Corporation. If the Commission does not enter an order, to take effect at or prior to the end of the period of suspension, fixing the schedule of rates to be charged by the Corporation, the suspended schedule filed by the Corporation may be put into effect by the end of such period, and shall remain in effect until the Commission has issued an appropriate order based on such proceeding.

"SEC. 6. The Corporation is hereby authorized and empowered to engage in special charter or sightseeing services subject to compliance with applicable laws, rules and regulations of the District of Columbia and of the municipalities or political subdivisions of the States in which such service is to be performed, and with applicable provisions of the Interstate Commerce Act and rules and regulations prescribed thereunder.

"SEC. 7. The Corporation shall be obligated to initiate and carry out a plan of gradual conversion of its street railway operations to bus operations within seven years from the date of the enactment of this Act upon terms and conditions prescribed by the Commission, with such regard as is reasonably possible when appropriate to the highway development plans of the District of Columbia and the economies implicit in coordinating the Corporation's track removal program with such plans; except that upon good and sufficient cause shown the Commission may in its discretion extend beyond seven years, the period for carrying out such conversion. All of the provisions of the full paragraph of the District of Columbia Appropriation Act, 1942 (55 Stat. 499, 533), under the title 'HIGHWAY FUND, GASOLINE TAX AND MOTOR VEHICLE FEES', subtitle 'STREET IMPROVEMENTS', relating to the removal of abandoned tracks, regrading of track areas, and paving abandoned track areas, shall be applicable to the Corporation.

"SEC. 8. (a) As of August 15, 1956, paragraph numbered 5 of section 6 of the Act entitled 'An Act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes', approved July 1, 1902, as amended (D. C. Code, sec. 47–1701), is amended by striking out the third and fourth sentences and inserting in lieu thereof the following: 'Each gas, electric-lighting, and telephone company shall pay, in addition to the taxes herein mentioned, the franchise tax imposed by the District of Columbia Income and Franchise Tax Act of 1947, and the tax imposed upon stock in trade of dealers in general merchandise under paragraph numbered 2 of section 6 of said Act approved July 1, 1902, as amended.'

"(b) Notwithstanding subsection (a) of this section, the Corporation shall be exempt from the following taxes:

"(1) The gross sales tax levied under the District of Columbia Sales Tax Act;

"(2) The compensating use tax levied under the District of Columbia Use Tax Act;

"(3) The excise tax upon the issuance of titles to motor vehicles and trailers levied under subsection (j) of section 6 of the District of Columbia Traffic Act of 1925, as amended (D. C. Code, sec. 40–603 (j) (4));

"(4) The taxes imposed on tangible personal property, to the same extent that the Capital Transit Company was exempt from such taxes immediately prior to the effective date of this section under the provisions of the Act of July 1, 1902, as amended; and

"(5) The mileage tax imposed by subparagraph (b) of paragraph 31 of section 7 of the Act approved July 1, 1902, as amended (D. C. Code, sec. 47–2331 (b)).

"SEC. 9. (a) Except as hereinafter provided, the Corporation shall not, with respect to motor fuel purchased on or after September 1, 1956, pay any part of the motor vehicle fuel tax levied under the Act entitled 'An Act to provide for a tax on motor vehicle fuels sold within the District of Columbia, and for other purposes', approved April 23, 1924, as amended (D. C. Code, title 47, chapter 19).

"(b) For the purposes of this section—

"(1) the term 'a 6½ per centum rate of return' means a 6½ per centum rate of return net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on the system rate base of the Corporation, except that with respect to any period for which the Commission utilizes the operating ratio method to fix the rates of the Corporation, such term shall mean a return of 6½ per centum net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, based on gross operating revenues; and

"(2) the term 'full amount of the Federal income taxes and the District of Columbia franchise tax levied upon corporate income' means the amount which would have been payable in the absence of write-offs in connection with the retirement of street railway property as contemplated by section 7 of this part, but only to the extent that such write-offs are not included as an operating expense in determining net earnings for rate-making purposes.

"(c) As soon as practicable after the twelve-month period ending on August 31, 1957, and as soon as practicable after the end of each subsequent twelve-month period ending on August 31, the Commission shall determine the Corporation's net operating income for such twelve-month period and the amount in dollars by which it exceeds or is less than a 6½ per centum rate of return for such twelve-month period. In such determination the Commission shall include as an operating expense the full amount of the motor vehicle fuel tax which would be due but for the provisions of this section on the motor fuel purchased by the Corporation during the twelve-month period, and the full amount of the Federal income taxes and the District of Columbia franchise tax levied upon corporate income. The Commission shall certify its determination to the Commissioners of the District of Columbia or their designated agent. If the net operating income so certified by the Commission equals or is more than a 6½ per centum rate of return, the Corporation shall be required to pay to such Commissioners, or their designated agent, the full amount of the motor vehicle fuel taxes due on the purchases of motor fuel made by the Corporation during such twelve-month period. If the net operating income so certified is less than a 6½ per centum rate of return, the Corporation shall pay to such Commissioners, or their designated agent, in full satisfaction of the motor vehicle fuel tax for such period an amount, if any, equal to the full amount of said motor vehicle fuel tax reduced by the amount necessary to raise the Corporation's rate of return to 6½ per centum for such period, after taking into account the effect of such reduction on the amount of the Federal income taxes and the District of Columbia franchise tax levied upon corporate income payable by the Corporation for such period. Within thirty days after being notified by the said Commissioners or their designated agent of the amount of the motor vehicle fuel tax due under this section, the Corporation shall pay such amount to the said Commissioners or their designated agent.

"(d) If not paid within the period specified in subsection (c), the motor vehicle fuel tax payable under this section and the penalties thereon may be collected by the Commissioners of the District of Columbia or their designated agent in the manner provided by law for the collection of taxes due the District of Columbia on personal property in force at the time of such collection; and liens for the motor vehicle fuel tax payable under subsection (c) and penalties thereon may be acquired in the same manner that liens for personal property taxes are acquired.

"(e) Where the amount of the motor vehicle fuel tax payable under subsection (c), or any part of such amount, is not paid on or before the time specified therein for such payment, there shall be collected, as part of the tax, interest upon such unpaid amount at the rate of one-half of 1 per centum per month or portion of a month.

"(f) The Commissioners of the District of Columbia or their designated agent are hereby authorized and directed to issue to the Corporation such certificates as may be necessary to exempt it from paying any importer the motor vehicle fuel tax imposed by such Act of April 23, 1924, as amended, or as hereafter amended.

"(g) (1) From and after the time fixed in paragraph (2) of this subsection the Corporation shall not be required to pay real estate taxes upon any real estate owned by it in the District of Columbia and used and useful for the conduct of its public transportation operations to the extent that the Commission has determined under such rules and regulations as it may issue that the Corporation's net operating income in the previous year was insufficient, after giving effect to the tax relief provided in the preceding subsections, to afford it a 6½ per centum rate of return.

"(2) This subsection shall take effect upon the completion of the program contemplated in section 7 of this part, as certified by the Commission to the Commissioners of the District of Columbia, or at such earlier time as the Commission may find that the said program has been so substantially completed that the taking effect of this subsection would be appropriate in the public interest and shall so certify to the Commissioners of the District of Columbia.

"SEC. 10. (a) The Corporation shall not be charged any part of the expense of removing, sanding, salting, treating, or handling snow on the streets of the District of Columbia, except that the Corporation shall sweep snow from the streetcar tracks at its own expense so long as such tracks are in use by the Corporation.

"(b) The paragraph which begins 'Hereafter every street railway company' which

appears under the heading 'Streets' in the Act entitled 'An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes', approved June 26, 1912 (D. C. Code, sec. 7–614), is hereby repealed.

"SEC. 11. The provisions of law set forth in Title 43, sections 501 through 503 of the District of Columbia code shall not be deemed to restrict any merger or consolidation of the Corporation with any other company or companies engaged in mass transportation in the District of Columbia or the Washington Metropolitan Area: *Provided, however,* That any such merger or consolidation shall be subject to the approval of the Commission.

"SEC. 12. Nothing in this part shall prevent the transfer, by or under the authority of any other Act of Congress, to any other agency of any of the functions which are by this part granted to or imposed upon the Commission.

"SEC. 13. (a) The Corporation is hereby authorized to issue or create loans, mortgages, deeds of trust, notes or other securities to any banking or other institution or institutions and to Capital Transit Company, with respect to the acquisition of assets of Capital Transit Company (including any corporation controlled by Capital Transit Company), provided that the interest rate thereon shall not exceed 5 per centum per annum, but the aggregate principal shall not exceed the cost of acquiring the assets of Capital Transit Company.

"(b) (1) Section 5 of the Interstate Commerce Act shall not be construed to require the approval or authorization of the Interstate Commerce Commission of any transaction within the scope of paragraph (2) of such section 5 if the only parties to such transaction are the Corporation (including any corporation wholly controlled by the Corporation) and the Capital Transit Company (including any corporation wholly controlled by the Capital Transit Company). The issuance or creation of any securities provided for in subsection (a) shall not be subject to the provisions of section 20a of the Interstate Commerce Act.

"(2) No approval of the acquisition of assets referred to in subsection (a), or of the issuance or creation of any securities provided for in subsection (a) in connection with such acquisition, shall be required from any District of Columbia agency or commission.

"(c) This section shall not apply to any issuance of securities constituting a public offering to which the Securities Act of 1933 applies.

"(d) Notwithstanding the provisions of section 409 (a) of the Civil Aeronautics Act of 1938—

"(1) no air carrier shall be required (because of the fact that a person becomes or remains an officer, director, member or stockholder holding a controlling interest of the Corporation, or of any common carrier controlled by the Corporation which is engaged in mass transportation of passengers for hire in the Washington Metropolitan Area, or is elected or reelected as an officer or director) to secure the authorization or approval of the Civil Aeronautics Board in order to have and retain such person as an officer or director, or both, of such air carrier if such person is an officer or director of such air carrier at the time this section takes effect; and

"(2) no person who, at the time this section takes effect, is an officer or director of an air carrier shall be required to secure the approval of the Civil Aeronautics Board in order to hold the position of officer, director, member or stockholder holding a controlling interest of the Corporation or of any common carrier controlled by the Corporation which is engaged in mass transporation of passengers for hire in the Washington Metropolitan Area.

"As used in this subsection, the term 'air carrier' has the same meaning as when used in section 409 (a) of the Civil Aeronautics Act of 1938.

"(e) Notwithstanding section 20a (12) of the Interstate Commerce Act, authorization or approval of the Interstate Commerce Commission shall not be required in order to permit a person who is an officer or director of the Corporation to be also an officer or director, or both, of any common carrier controlled by the Corporation which is engaged in mass transportation of passengers for hire in the Washington Metropolitan Area.

"SEC. 14. The Corporation, at the time it acquires the assets of Capital Transit Company, shall become subject to, and responsible for, all liabilities of Capital Transit Company of whatever kind or nature, known or unknown, in existence at the time of such acquisition, and shall submit to suit therefor as though it had been originally liable, and the creditors of Capital Transit Company shall have as to the Corporation all rights and remedies which they would otherwise have had as to Capital Transit Company: *Provided, however,* That the Corporation shall not be liable to any dissenting stockholder of Capital Transit Company for the fair value of the stock of any such stockholder who shall qualify to be entitled to receive payment of such fair value. No action or proceeding in law or in equity, or before any Federal or District of Columbia agency or commission, shall abate in consequence of the provisions of this section, but such action or proceeding may be continued in the name of the party by or against which it was begun, except that in the discretion of the court, agency, or commission the Corporation may be substituted for the Capital Transit Company. In any and all such actions or proceedings, the Corporation shall have, and be entitled to assert, any and all defenses of every kind and nature which are or would be available to Capital Transit Company or which Capital Transit Company would be entitled to assert.

"Part 2.—Miscellaneous provisions

"SEC. 21. (a) Section 14 of the joint resolution entitled 'Joint resolution to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes', approved January 14, 1933 (47 Stat. 752), as amended (Public Law 389, Eighty-fourth Congress), is hereby repealed to the extent that such section repeals the charter of Capital Transit Company, without thereby affecting the termination of its franchise.

"(b) Upon the taking effect of part 1 of this title, Capital Transit Company shall not be authorized to engage in business as owner or operator of electric railway, passenger motor bus, public transportation of passengers, or common carrier of passengers within, to, or from the Washington Metropolitan Area.

"(c) Capital Transit Company shall continue to exist as a corporation incorporated under the provisions of subchapter 4 of chapter 18 of the Act entitled 'An Act to establish a code of laws for the District of Columbia', approved March 3, 1901, as amended (D. C. Code, title 29, ch. 2), under its certificate of incorporation, as amended, and Capital Transit Company may amend its charter in any manner provided under the laws of the District of Columbia and may avail itself of the provisions of the District of Columbia Business Corporations Act in respect to a change of its name and may become incorporated or reincorporated thereunder in any manner as therein provided. Nothing referred to in this title, or the sale and vesting of the assets of Capital Transit Company, referred to therein, shall cause or require the corporate dissolution of Capital Transit Company.

"SEC. 22. Nothing in this title shall be deemed to extend the franchise of Capital Transit Company beyond August 14, 1956, or, except as otherwise provided in this section, to relieve Capital Transit Company of any obligation to remove from the streets and highways at its own expense all of its property and facilities and to restore the streets and highways in accordance with the provisions of the District of Columbia Appropriation Act, 1942 (55 Stat. 499, 533) in the event the Corporation fails to acquire the assets of Capital Transit Company. If part 1 of this title takes effect, Capital Transit Company shall thereupon be relieved of all liability to remove from the streets and highways of the District of Columbia all of its properties and facilities and to restore such streets and highways.

"SEC. 23. The powers and jurisdiction of the Public Utilities Commission of the District of Columbia with respect to Capital Transit Company shall cease and be at an end upon the taking effect of part 1 of this title.

"TITLE II

"SEC. 201. (a) Part 1 of title I shall take effect on August 15, 1956, but only if prior thereto D. C. Transit System, Inc. (referred to in this title as the 'Corporation') has acquired the assets of Capital Transit Company and has notified the Commissioners of the District of Columbia in writing that it will engage in the transportation of passengers within the District of Columbia beginning on August 15, 1956. If the Corporation has not acquired the assets of Capital Transit Company prior to August 15, 1956, but does thereafter acquire such assets, the Corporation shall, on the date of such acquisition, give written notice thereof to the Commissioners, and part 1 of title I shall take effect upon such date of acquisition.

"(b) Part 2 of title I, and this title, shall take effect upon the date of the enactment of this Act.

"SEC. 202. If it is determined by the Commissioners of the District of Columbia that, due to any act or omission on the part of the Corporation, the Corporation has not acquired the assets of Capital Transit Company and if such Commissioners approve a valid contract, ratified and approved by the required number of stockholders of Capital Transit Company, between Capital Transit Company and some other corporation providing for the acquisition of such assets and if such other corporation is also approved by such Commissioners as capable of performing the operation contemplated by the franchise provisions of part 1 of title I, then the terms 'D. C. Transit System, Inc.' and 'Corporation' as used in this Act shall be deemed to mean such other corporation for all purposes of this Act.

"SEC. 203. If part 1 of title I of this Act does not take effect on August 15, 1956, the Commissioners of the District of Columbia may authorize (including authorization of such contractual agreements as may be necessary) such mass transportation of passengers within the District of Columbia, beginning on and after August 15, 1956, and until such date as part 1 of title I of this Act takes effect, as may be necessary for the convenience of the public. Such transportation shall be furnished to the public at such rates and under such terms and regulations as may be recommended by the Public Utilities Commission and approved by the Commissioners of the District of Columbia."

And the House agree to the same.

That the title of the bill be amended to read as follows: "An Act to grant a franchise

to D. C. Transit System, Inc., and for other purposes."

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, Jr.,
WALTER ROGERS,
CHAS. A. WOLVERTON,
CARL HINSHAW,
JAMES I. DOLLIVER,
Managers on the Part of the House.

PAT MCNAMARA,
WAYNE MORSE,
ALAN BIBLE,
J. GLENN BEALL,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3073) to provide for an adequate and economically sound transportation system or systems to serve the District of Columbia and it environs, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The essential differences between the House amendment and the substitute agreed to in conference are noted below.

THE SENATE BILL AND THE HOUSE AMENDMENT

The bill as passed by the Senate was designed to make provision for mass transportation of passengers in the Washington metropolitan area after August 14, 1956, the date on which the franchise of the Capital Transit Co. expires.

It provided, initially, for an "interim" public authority, to be an agency and instrumentality of the District of Columbia, with broad powers to do everything necessary in order to acquire and operate such a mass transportation system, including the authority to acquire property by eminent domain, to issue tax exempt obligations in order to finance its operations, to fix rates and fares, to employ all necessary personnel, and so on.

The interim public authority would have been given power to sell to any private operator found by it to be suitable, at any time prior to August 15, 1959, the transportation properties acquired and operated by it. In that event the interim public authority would have ceased to exist. In case of any such disposition of the properties, the Commissioners of the District would have been empowered to grant to the purchaser a franchise to operate in the District of Columbia, together with such exemptions from District of Columbia taxes as the Commissioners deemed advisable.

It was provided, however, that if the interim public authority did not thus dispose of its transportation properties to a private operator before August 15, 1959, the interim public authority should become a permanent public authority, with power to operate in perpetuity.

The provisions of the House amendment were designed to keep the transit system in the District of Columbia in the hands of private ownership by extending, with modifications, the franchise of Capital Transit Company. The modifications were essentially as follows:

(1) The section of law which repealed the charter and franchise of Capital Transit Company would have been repealed, thus restoring to Capital Transit Company its charter and franchise.

(2) A system rate base of a specific amount would have been established for the Capital Transit Company.

(3) A legislative determination would have been made that a return of 6½ percent on the system rate base was a fair return which the Company should be afforded the opportunity to earn.

(4) The rates of fare presently being charged would have been frozen until August 15, 1957, and thereafter a new procedure would have been established, designed to expedite action on rate applications filed by the Company.

(5) Capital Transit Company would have been exempted from the gross receipts tax of the District of Columbia and would have continued to be exempt from the District of Columbia mileage tax, gross sales tax, compensating use tax, excise tax on motor vehicle titles, and tangible personal property taxes to the same extent that it is presently exempt from such taxes.

(6) If the Capital Transit Co. failed in any year to earn a 6½ percent return on its system rate base, it would have been forgiven the payment of the District of Columbia motor vehicle fuel tax to the extent necessary to bring its return up to 6½ percent for the year.

(7) Capital Transit Co. would have been required to sweep its streetcar tracks at its own expense and would have been relieved of all other snow removal expense.

(8) It would have been the duty of Capital Transit Co. to gradually convert to an all-bus operation but no specific time for completion of the conversion would have been provided.

(9) The Capital Transit Co. would have been relieved of the necessity to obtain Public Utility Commission approval of evidences of indebtedness payable in 1 year or less.

THE CONFERENCE SUBSTITUTE

Briefly, the conference substitute provides for the grant of a franchise to a private operator, D. C. Transit System, Inc. (hereinafter referred to as the "Corporation"). The award of a franchise to the Corporation was recommended by the Commissioners of the District of Columbia and the terms of the franchise which this legislation proposes to grant are substantially as recommended by such Commissioners. The conference agreement also contains provisions to empower the Commissioners to take appropriate steps to insure continuance of transportation service in case the Corporation does not, for any reason, begin operations on August 15, the day after the expiration of Capital Transit's franchise.

The substitute agreed to in conference consists of titles I and II. Title I is divided into parts 1 and 2.

Title I, part 1

This part, which consists of sections 1 to 14, constitutes the franchise which this legislation proposes to grant to the Corporation.

Subsection (a) of section 1 provides that the franchise is granted for the operation of a mass transportation system of passengers for hire within the District of Columbia and between the District of Columbia and points in the area (referred to as the "Washington Metropolitan Area") comprising all of the District of Columbia, the cities of Alexandria and Falls Church, and the counties of Arlington and Fairfax in the Commonwealth of Virginia and the counties of Montgomery and Prince Georges in the State of Maryland. The franchise is subject to the rights to render service within such area possessed, at the time this provision takes effect, by other common carriers of passengers. The Corporation will not, by reason of this section be relieved from compliance with the laws of Virginia or Maryland, or requirements imposed under authority thereof, or with the Interstate Commerce Act and rules and regulations prescribed thereunder. In the exercise of the franchise rights granted to it under this part, the Corporation will be fully subject to the regulatory laws of the District of Columbia which are applicable to common carrier operations of the character which it is to perform, except to the extent that such laws are modified or superseded by the provisions of this legislation.

Subsection (b) of section 1 is included merely in order to make it unnecessary to repeat references to successors and assigns of the Corporation in those places in part 1 where reference is made to the Corporation. This subsection makes no change whatever in any laws which otherwise would govern the right of the Corporation to dispose of or assign any of its assets or operating rights. Compliance with such laws will be necessary to the same extent as though this subsection had not been enacted.

Subsection (c) of section 1 provides that as used in part 1 the term "franchise" means all the provisions of part 1.

Section 2 of the conference substitute provides that the franchise is granted for a term of 20 years subject to the right of Congress to repeal the franchise at any time for its non-use.

Subsection (b) of section 2 provides that in the event of cancellation by Congress of the franchise at any time after 7 years following its effective date for any reason other than non-use, the Corporation waives its claim for any damages for loss of franchise. This subsection is not intended to preclude the Corporation's property from being valued as that of a going concern in the determination of any damages resulting from a cancellation of the franchise for any reason other than non-use.

Section 3 is almost identical with a provision (section 4) of the so-called Merger Act of 1933. It provides in effect that no person or company may establish a competitive street-railway or bus line for the transportation of passengers in the District of Columbia, over particular routes on fixed schedules, without first having obtained a certificate from the Public Utilities Commission of the District of Columbia to the effect that the competitive line is necessary for the convenience of the public.

Section 4 contains a declaration of legislative policy which, among other things, declares that (1) the Corporation, in accordance with standards and rules prescribed by the Public Utilities Commission, should be afforded the opportunity of earning such return as to make the Corporation an attractive investment to private investors, (2) Congress finds the opportunity to earn a return of at least 6½ percent net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on either the system rate base or on gross operating revenue would not be unreasonable, and (3) the Commission should encourage and facilitate the shifting to such gross operating revenue base as promptly as possible and as conditions warrant; and if conditions warrant not later than August 15, 1958.

Section 5 of the conference substitute provides that the rates authorized by the Commissioners of the District of Columbia under Public Law 389, Eighty-fourth Congress, which are in effect on the date of enactment of the Act shall be the initial schedule of rates effective within the District of Columbia upon commencement of operations by the Corporation, and shall continue in effect as the schedule of rates until August 15, 1957, and thereafter until superseded by a new schedule of rates. If the Corporation files a new schedule of rates on or after August 15, 1957, that schedule will take effect in 10 days, or at the end of any shorter period the Public Utilities Commission may prescribe, unless the Commission suspends the operation of the rate schedule. The suspen-

sion period may be of any length up to 120 days, but during that period the Commission must hold a hearing and if it fails to issue an order during that period fixing a rate schedule, the Corporation may put the suspended rate schedule into effect at the end of the suspension period, and it will remain in effect until the Commission issues an appropriate order based upon the proceeding.

This section is quite similar to the provisions of section 2 (c) of the House amendment with two exceptions, first, the maximum period of suspension permitted under the House amendment was 90 days, instead of 120 days as provided in the conference substitute, and second, under the House bill if the Commission failed to issue an order during the suspension period, the suspended rate schedule would have automatically gone into effect at the end of such period and the Commission would not thereafter been empowered to issue any order based upon such proceeding.

Section 6 provides that the Corporation may engage in special charter or sightseeing service, subject to compliance with applicable District of Columbia and State law, as well as applicable provisions of the Interstate Commerce Act, and regulations prescribed under such laws.

Section 7 of the conference substitute requires the Corporation to complete conversion of its street railway operations to bus operations within 7 years from the date of enactment of this Act, upon terms and conditions prescribed by the Commission, with such conversion to be tied in with the highway development plans of the District of Columbia to the extent such a tie-in is possible. It is also provided that the Commission may extend the time beyond 7 years upon good and sufficient cause. The Corporation is made subject to all of the duties and responsibilities which Capital Transit Company is presently subject to relating to the removal of abandoned tracks, regarding of track areas, and paving of abandoned track areas.

Section 6 of the House amendment provided with respect to Capital Transit Company that it was to carry out a plan of gradual conversion of its street railway operations to bus operations in general conformity with the economic concepts contained in the Gilman report which was a study and report made on the desirability of conversion of street railway operations to motor bus. The House amendment contained no specific date within which such conversion should be completed.

Subsection (a) of section 8 of the conference substitute relieves the Corporation of the obligation to pay the 2 percent gross receipts tax which under existing law it would be required to pay upon commencement of its operations in the District of Columbia.

Subsection (b) of such section 8 specifically exempts the Corporation from the District of Columbia Sales Tax Act and the corresponding compensating use tax levied under the District of Columbia Use Tax Act (where purchases are made out of the District and brought into the District), and the tax imposed on the issuance of titles to motor vehicles. It also exempts the Corporation from the District of Columbia taxes imposed on tangible personal property to the same extent that Capital Transit Company is exempt from such taxes immediately prior to the effective date of the section.

Section 3 of the House amendment contained the same exemptions for the Capital Transit Company as are provided for the Corporation under section 8 of the conference substitute.

Subsection (a) of section 9 specifically exempts the Corporation from payment of District of Columbia motor vehicle fuel taxes except as provided for in the section.

Subsection (b) defines certain terms which are used in the section. The term "a 6½ per centum rate of return" is defined to mean a 6½ percent rate of return net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on the system rate base or if the operating ratio method is used to fix rates, on the gross operating revenues. The term "full amount of the Federal income taxes and the District of Columbia franchise tax levied upon corporate income" is defined to mean the amount which the Corporation would have paid in the absence of write offs in connection with the retirement of street railway property as the result of conversion to all-bus operation as provided in section 7 of the conference substitute, but only to the extent that such write offs are not included as an operating expense in determining net earnings for rate-making purposes.

Subsection (c) is intended (1) to require the Corporation on and after September 1, 1956, to pay the full amount of the motor vehicle fuel tax due on motor fuel purchased on or after that date, whenever the net operating income of the company, after taking into consideration the full amount of the motor-vehicle fuel tax which would be due but for the provisions of this section, as determined by the Public Utilities Commission for the preceding 12-month period ending August 31, equals or exceeds a 6½ percent rate of return on the Corporation's system rate base for such period or on the gross operating revenues of the Corporation, if the operating ratio method is being used to fix the rates of the Corporation, and (2) whenever the rate of return is less than 6½ percent to reduce the amount of the motor-vehicle fuel tax payable by the Corporation by whatever amount is necessary to provide the Corporation with a 6½ percent rate of return. In determining whether the Corporation has earned a return of 6½ percent for any 12-month period, the Commission is required to include as an operating expense the full amount of the motor-vehicle fuel tax which would be due but for the provisions of this section on motor fuel purchased by the Corporation during the 12-month period and the full amount of the Federal income taxes and the District of Columbia franchise tax levied upon corporate income. If the net operating income of the Corporation, as certified by the Commission, is equal to, or more than, a 6½ percent rate of return, the Corporation is required to pay the full amount of the motor-vehicle fuel tax due on motor fuel purchased by it during such 12-month period. If the net operating income of the Corporation, as certified by the Commission, is less than a 6½ percent rate of return, the Corporation is required to pay in full satisfaction of the motor-vehicle fuel tax for such period an amount, if any, equal to the full amount of the motor-vehicle fuel tax reduced by the amount necessary to raise the Corporation's rate of return to 6½ percent for such period after taking into account the effect of such reduction on the amount of Federal income taxes and the District of Columbia franchise tax levied upon corporate income payable by the Corporation for such period. If as the result of the inability of the Corporation to acquire the assets of Capital Transit Company prior to August 31, 1956, the initial period with respect to which this motor-vehicle fuel tax relief is granted is less than a 12-month period, it is intended that for such first period, an appropriate pro rata computation be made based on the percentage that the initial period is of 12 months.

Subsections (d) and (e) relate to the collection of motor fuel taxes which are not paid within the time referred to in subsection (c), together with penalties and interest.

Because of the uncertainty as to the amount of motor vehicle fuel tax which would be paid by the Corporation under this section it is desirable that the importer who sells motor fuel to the Corporation not be required to pay the tax on the motor fuel purchased by the Corporation and that the Corporation not be required in turn to pay the amount of such tax to the importer. Therefore, subsection (f) provides for the issuance of the necessary certificates of exemption to the Corporation.

Subsection (g) provides that if after completion of conversion to an all bus operation as provided in section 7, or at such earlier time as the Commission finds that the conversion has been substantially completed and certifies that fact to the Commissioners, the Corporation, despite all other tax relief granted to it, fails to earn a 6½ percent rate of return on either its system rate base or, if the operating ratio method is being used, on its gross operating revenues, the Corporation shall not be required to pay real estate taxes upon any real estate owned by it in the District of Columbia used and useful for the conduct of its public transportation operations to the extent that the Public Utilities Commission determines that its net operating income for the previous year was insufficient to afford it a 6½ percent rate of return.

Section 9 follows the pattern for relief from the District of Columbia motor vehicle fuel tax which was proposed for Capital Transit Company in section 4 of the House amendment, with the exception that section 9 contemplates the future use of the operating ratio method for determining rates and modifies the provisions of the House amendment to the extent necessary to take care of that possibility. It further differs from section 4 of the House amendment in that contemplated write-offs of property as the result of conversion to all-bus operation (to the extent such write-offs are not included as operating expenses in determining net earnings for rate-making purposes) are permitted to be ignored in determining the Corporation's net operating income under section 9, so that for such purpose, the Corporation's Federal income taxes and District of Columbia taxes on corporate income are established on the basis of what they would have been but for such write-offs. Finally, the House amendment contained no provision for relief of real estate taxes, as is provided in section 9 (g) of the conference substitute.

Section 10 (a) provides that the Corporation shall not be charged any part of the expense of removing, sanding, salting, treating, or handling snow on the streets of the District of Columbia, except that the Corporation shall sweep snow from the street car tracks at its own expense so long as such tracks are in use by the Corporation. Subsection (b) of this section relates to this same matter. Similar provisions with respect to Capital Transit Company were included in the House amendment.

Section 11 is intended to make it clear that certain specified provisions of District law are not to be deemed to restrict any merger or consolidation of the Corporation with any other company or companies engaged in mass transportation in the District or the Washington Metropolitan Area, but it is expressly provided that any such merger or consolidation shall be subject to approval of the Public Utilities Commission.

Section 12 of the conference substitute is included to insure that nothing in the franchise will prevent the transfer in the future to any other agency, by or pursuant to law, of any of the functions which the franchise grants to or imposes on the Public Utilities Commission.

Section 13 contains several provisions intended to authorize the doing of certain things considered necessary or appropriate in order to facilitate the carrying out by the Corporation of its contract with Capital Transit Company and the commencement of

transportation operations under the franchise.

Subsection (a) relates to the issuance or creation of loans, mortgages, deeds of trust, notes, or other securities to any banking or other institution or institutions, and the Capital Transit Company, in connection with the contemplated acquisition of assets.

Subsection (b) would make it unnecessary to secure Interstate Commerce Commission approval of (1) the contemplated acquisition of assets, including certificates of public convenience and necessity held by Capital Transit Company or a wholly owned subsidiary of it, or (2) the issuance of securities provided for in subsection (a). It also provides that the proposed acquisition of assets and issuance or creation of securities may be accomplished without having to secure approval of any District of Columbia agency or commission.

Subsection (c) provides that this section shall not apply to any issuance of securities constituting a public offering to which the Securities Act of 1933 applies.

The purpose of subsection (d) is to make it possible for an individual who is now an officer and director of an air carrier (as that term is used in section 409 (a) of the Civil Aeronautics Act of 1938) to become and continue to be connected with the Corporation (or a subsidiary engaged in transportation in the Washington Metropolitan Area) as an officer or director or in certain other specified capacities, without having to secure prior approval of the Civil Aeronautics Board under section 409 (a) of the Civil Aeronautics Act of 1938.

Subsection (e) provides that section 20a (12) of the Interstate Commerce Act shall not require Interstate Commerce Commission approval in order for a person who is an officer or director of the Corporation to also be an officer or director of any subsidiary of the Corporation engaged in mass transportation of passengers in the Washington Metropolitan Area.

Section 14 is a provision, substantially similar to one contained in the contract under which D. C. Transit System, Inc., is to acquire the assets of Capital Transit Company, spelling out the respects in which D. C. Transit is to become subject to, and responsible for, the liabilities of Capital Transit Company.

Title I, part 2

This part consists of sections 21, 22, and 23.

The effect of these provisions is to insure that Capital Transit Company will continue to exist as a corporation, but it is made clear that the termination of its franchise, as heretofore provided by law, is unaffected. If part 1 of title I takes effect, Capital Transit Company is to be relieved of all liability to remove from the streets and highways of the District all of its properties and facilities and to restore such streets and highways. However, if part 1 of title I does not take effect, Capital Transit Company is not relieved of such liability.

Title II

This title consists of sections 201, 202, and 203.

Section 201 of title II of the conference substitute provides that part 1 (the franchise provisions) of title I shall take effect on August 15, 1956, but only if prior thereto D. C. Transit System, Inc. (referred to in title II as the "Corporation") has acquired the assets of Capital Transit Company and has notified the Commissioners of the District of Columbia in writing that it will engage in the transportation of passengers within the District of Columbia beginning on August 15, 1956. If the Corporation has not acquired the assets of Capital Transit Company prior to August 15, 1956, but does thereafter acquire such assets, the Corporation shall, on the date of such acquisition, give written notice thereof to the Commissioners, and part 1 of title I shall take effect upon such date of acquisition.

Subsection (b) of section 201 provides that part 2 of title I, and title II, shall take effect upon the date of the enactment of this act.

Section 202 of the conference substitute provides that if it is determined by the Commissioners of the District of Columbia that, due to any act or omission on the part of the Corporation, the Corporation has not acquired the assets of Capital Transit Company and if such Commissioners approve a valid contract, ratified and approved by the required number of stockholders of Capital Transit Company, between Capital Transit Company and some other corporation providing for the acquisition of such assets and if such other corporation is also approved by such Commissioners as capable of performing the operation contemplated by the franchise provisions of part 1 of title I, then the terms "D. C. Transit System, Inc." and "Corporation" as used in this act shall be deemed to mean such other corporation for all purposes of this act. In other words such other corporation would be granted the franchise in lieu of D. C. Transit System, Inc.

Section 203 of the conference substitute grants to the Commissioners of the District of Columbia, if part 1 (the franchise provisions) of title I of this act does not take effect on August 15, 1956, the general authority to authorize (including authorization of such contractual agreements as may be necessary) such mass transportation of passengers within the District of Columbia, beginning on and after August 15, 1956, and until such date as part 1 of title I takes effect, as may be necessary for the convenience of the public. The section also provides that such transportation shall be furnished to the public at such rates and under such terms and regulations as may be recommended by the Public Utilities Commission and approved by the Commissioners of the District of Columbia. There is no intent on the part of the managers to grant any powers of eminent domain to the Commissioners under the provisions of this section.

The title of the bill has been changed to conform with the conference agreement.

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, JR.,
WALTER ROGERS,
CHAS. A. WOLVERTON,
CARL HINSHAW,
JAMES I. DOLLIVER,
Managers on the Part of the House.

Mr. HARRIS (interrupting the reading). Mr. Speaker, this is a rather lengthy statement. I ask unanimous consent that further reading of the statement be dispensed with, and that the statement may be included at this point in the RECORD. I believe we can expedite consideration in this way.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

(The statement reads as follows:)

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3073) to provide for an adequate and economically sound transportation system or systems to serve the District of Columbia and its environs, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The essential differences between the House amendment and the substitute agreed to in conference are noted below.

THE SENATE BILL AND THE HOUSE AMENDMENT

The bill as passed by the Senate was designed to make provision for mass transportation of passengers in the Washington metropolitan area after August 14, 1956, the date on which the franchise of the Capital Transit Co. expires.

It provided, initially, for an "interim" public authority, to be an agency and instrumentality of the District of Columbia, with broad powers to do everything necessary in order to acquire and operate such a mass transportation system, including the authority to acquire property by eminent domain, to issue tax-exempt obligations in order to finance its operations, to fix rates and fares, to employ all necessary personnel, and so on.

The interim public authority would have been given power to sell to any private operator found by it to be suitable, at any time prior to August 15, 1959, the transportation properties acquired and operated by it. In that event the interim public authority would have ceased to exist. In case of any such disposition of the properties, the Commissioners of the District would have been empowered to grant to the purchaser a franchise to operate in the District of Columbia, together with such exemptions from District of Columbia taxes as the Commissioners deemed advisable.

It was provided, however, that if the interim public authority did not thus dispose of its transportation properties to a private operator before August 15, 1959, the interim public authority should become a permanent public authority, with power to operate in perpetuity.

The provisions of the House amendment were designed to keep the transit system in the District of Columbia in the hands of private ownership by extending, with modifications, the franchise of Capital Transit Co. The modifications were essentially as follows:

(1) The section of law which repealed the charter and franchise of Capital Transit Co. would have been repealed, thus restoring to Capital Transit Co. its charter and franchise.

(2) A system rate base of a specific amount would have been established for the Capital Transit Co.

(3) A legislative determination would have been made that a return of 6½ percent on the system rate base was a fair return which the company should be afforded the opportunity to earn.

(4) The rates of fare presently being charged would have been frozen until August 15, 1957, and thereafter a new procedure would have been established, designed to expedite action on rate applications filed by the company.

(5) Capital Transit Co. would have been exempted from the gross receipts tax of the District of Columbia and would have continued to be exempt from the District of Columbia mileage tax, gross-sales tax, compensating-use tax, excise tax on motor-vehicle titles, and tangible personal-property taxes to the same extent that it is presently exempt from such taxes.

(6) If the Capital Transit Co. failed in any year to earn a 6½-percent return on its system-rate base, it would have been forgiven the payment of the District of Columbia motor vehicle fuel tax to the extent necessary to bring its return up to 6½ percent for the year.

(7) Capital Transit Co. would have been required to sweep its streetcar tracks at its own expense and would have been relieved of all other snow-removal expense.

(8) It would have been the duty of Capital Transit Co. to gradually convert to an all-

bus operation but no specific time for completion of the conversion would have been provided.

(9) The Capital Transit Co. would have been relieved of the necessity to obtain Public Utility Commission approval of evidences of indebtedness payable in 1 year or less.

THE CONFERENCE SUBSTITUTE

Briefly, the conference substitute provides for the grant of a franchise to a private operator, D. C. Transit System, Inc. (hereinafter referred to as the "Corporation"). The award of a franchise to the Corporation was recommended by the Commissioners of the District of Columbia and the terms of the franchise which this legislation proposes to grant are substantially as recommended by such Commissioners. The conference agreement also contains provisions to empower the Commissioners to take appropriate steps to insure continuance of transportation service in case the Corporation does not, for any reason, begin operations on August 15, the day after the expiration of Capital Transit's franchise.

The substitute agreed to in conference consists of titles I and II. Title I is divided into parts 1 and 2.

Title I, part 1

This part, which consists of sections 1 to 14, constitutes the franchise which this legislation proposes to grant to the Corporation.

Subsection (a) of section 1 provides that the franchise is granted for the operation of a mass transportation system of passengers for hire within the District of Columbia and between the District of Columbia and points in the area (referred to as the "Washington Metropolitan Area") comprising all of the District of Columbia, the cities of Alexandria and Falls Church, and the counties of Arlington and Fairfax in the Commonwealth of Virginia and the counties of Montgomery and Prince Georges in the State of Maryland. The franchise is subject to the rights to render service within such area possessed, at the time this provision takes effect, by other common carriers of passengers. The Corporation will not, by reason of this section, be relieved from compliance with the laws of Virginia or Maryland, or requirements imposed under authority thereof, or with the Interstate Commerce Act and rules and regulations prescribed thereunder. In the exercise of the franchise rights granted to it under this part, the Corporation will be fully subject to the regulatory laws of the District of Columbia which are applicable to common carrier operations of the character which it is to perform, except to the extent that such laws are modified or superseded by the provisions of this legislation.

Subsection (b) of section 1 is included merely in order to make it unnecessary to repeat references to successors and assigns of the Corporation in those places in part 1 where reference is made to the Corporation. This subsection makes no change whatever in any laws which otherwise would govern the right of the Corporation to dispose of or assign any of its assets or operating rights. Compliance with such laws will be necessary to the same extent as though this subsection had not been enacted.

Subsection (c) of section 1 provides that as used in part 1 the term "franchise" means all the provisions of part 1.

Section 2 of the conference substitute provides that the franchise is granted for a term of 20 years subject to the right of Congress to repeal the franchise at any time for its nonuse.

Subsection (b) of section 2 provides that in the event of cancellation by Congress of the franchise at any time after 7 years following its effective date for any reason other than nonuse, the Corporation waives its claim for any damages for loss of franchise. This subsection is not intended to preclude the Corporation's property from being valued as that of a going concern in the determination of any damages resulting from a cancellation of the franchise for any reason other than nonuse.

Section 3 is almost identical with a provision (sec. 4) of the so-called Merger Act of 1933. It provides in effect that no person or company may establish a competitive street-railway or bus line for the transportation of passengers in the District of Columbia, over particular routes on fixed schedules, without first having obtained a certificate from the Public Utilities Commission of the District of Columbia to the effect that the competitive line is necessary for the convenience of the public.

Section 4 contains a declaration of legislative policy which, among other things, declares that (1) the Corporation, in accordance with standards and rules prescribed by the Public Utilities Commission, should be afforded the opportunity of earning such return as to make the Corporation an attractive investment to private investors, (2) Congress finds the opportuntly to earn a return of at least 6½ percent net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on either the system rate base or on gross operating revenue would not be unreasonable, and (3) the Commission should encourage and facilitate the shifting to such gross operating revenue base as promptly as possible and as conditions warrant; and if conditions warrant not later than August 15, 1958.

Section 5 of the conference substitute provides that the rates authorized by the Commissioners of the District of Columbia under Public Law 389, 84th Congress, which are in effect on the date of enactment of the act shall be the initial schedule of rates effective within the District of Columbia upon commencement of operations by the Corporation, and shall continue in effect as the schedule of rates until August 15, 1957, and thereafter until superseded by a new schedule of rates. If the Corporation files a new schedule of rates on or after August 15, 1957, that schedule will take effect in 10 days, or at the end of any shorter period the Public Utilities Commission may prescribe, unless the Commission suspends the operation of the rate schedule. The suspension period may be of any length up to 120 days, but during that period the Commission must hold a hearing and if it fails to issue an order during that period fixing a rate schedule, the Corporation may put the suspended rate schedule into effect at the end of the suspension period, and it will remain in effect until the Commission issues an appropriate order based upon the proceeding.

This section is quite similar to the provisions of section 2 (c) of the House amendment with two exceptions, first, the maximum period of suspension permitted under the House amendment was 90 days, instead of 120 days as provided in the conference substitute, and second, under the House bill if the Commission failed to issue an order during the suspension period, the suspended rate schedule would have automatically gone into effect at the end of such period and the Commission would not thereafter been empowered to issue any order based upon such proceeding.

Section 6 provides that the Corporation may engage in special charter or sightseeing services, subject to compliance with applicable District of Columbia and State law, as well as applicable provisions of the Interstate Commerce Act, and regulations prescribed under such laws.

Section 7 of the conference substitute requires the Corporation to complete conversion of its street railway operations to bus operations within 7 years from the date of enactment of this act, upon terms and conditions prescribed by the Commission, with such conversion to be tied in with the highway development plans of the District of Columbia to the extent such a tie-in is possible. It is also provided that the Commission may extend the time beyond 7 years upon good and sufficient cause. The Corporation is made subject to all of the duties and responsibilities which Capital Transit Co. is presently subject to relating to the removal of abandoned tracks, regrading of track areas, and paving of abandoned track areas.

Section 6 of the House amendment provided with respect to Capital Transit Co. that it was to carry out a plan of gradual conversion of its street railway operations to bus operations in general conformity with the economic concepts contained in the Gilman report which was a study and report made on the desirability of conversion of street railway operations to motor bus. The House amendment contained no specific date within which such conversion should be completed.

Subsection (a) of section 8 of the conference substitute relieves the Corporation of the obligation to pay the 2 percent gross receipts tax which under existing law it would be required to pay upon commencement of its operations in the District of Columbia.

Subsection (b) of such section 8 specifically exempts the Corporation from the District of Columbia Sales Tax Act and the corresponding compensating use tax levied under the District of Columbia Use Tax Act (where purchases are made out of the District and brought into the District), and the tax imposed on the issuance of titles to motor vehicles. It also exempts the Corporation from the District of Columbia taxes imposed on tangible personal property to the same extent that Capital Transit Co. is exempt from such taxes immediately prior to the effective date of the section.

Section 3 of the House amendment contained the same exemptions for the Capital Transit Co. as are provided for the Corporation under section 8 of the conference substitute.

Subsection (a) of section 9 specifically exempts the Corporation from payment of District of Columbia motor vehicle fuel taxes except as provided in the section.

Subsection (b) defines certain terms which are used in the section. The term "a 6½ per centum rate of return" is defined to mean a 6½ percent rate of return net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on the system rate base or if the operating ratio method is used to fix rates, on the gross operating revenues. The term "full amount of the Federal income taxes and the District of Columbia franchise tax levied upon corporate income" is defined to mean the amount which the Corporation would have paid in the absence of writeoffs in connection with the retirement of street railway property as the result of conversion to all-bus operation as provided in section 7 of the conference substitute, but only to the extent that such writeoffs are not included as an operating expense in determining net earnings for ratemaking purposes.

Subsection (c) is intended (1) to require the Corporation on and after September 1, 1956, to pay the full amount of the motor vehicle fuel tax due on motor fuel purchased on or after that date, whenever the net operating income of the company, after taking into consideration the full amount of the motor-vehicle fuel tax which would be due but for the provisions of this section, as determined by the Public Utilities Commission for the preceding 12-month period ending August 31, equals or exceeds a 6½ percent rate of return on the Corporation's system rate base for such period or on the gross operating revenues of the Corporation, if the operating ratio method is being used to fix the rates of the Corporation, and (2)

whenever the rate of return is less than 6½ percent to reduce the amount of the motor-vehicle fuel tax payable by the Corporation by whatever amount is necessary to provide the Corporation with a 6½ percent rate of return. In determining whether the Corporation has earned a return of 6½ percent for any 12-month period, the Commission is required to include as an operating expense the full amount of the motor vehicle fuel tax which would be due but for the provisions of this section on motor fuel purchased by the Corporation during the 12-month period and the full amount of the Federal income taxes and the District of Columbia franchise tax levied upon corporate income. If the net operating income of the Corporation, as certified by the Commission, is equal to, or more than, a 6½ percent rate of return, the Corporation is required to pay the full amount of the motor vehicle fuel tax due on motor fuel purchased by it during such 12-month period. If the net operating income of the Corporation, as certified by the Commission, is less than a 6½ percent rate of return, the Corporation is required to pay in full satisfaction of the motor vehicle fuel tax for such period an amount, if any, equal to the full amount of the motor vehicle fuel tax reduced by the amount necessary to raise the Corporation's rate of return to 6½ percent for such period after taking into account the effect of such reduction on the amount of Federal income taxes and the District of Columbia franchise tax levied upon corporate income payable by the Corporation for such period. If as the result of the inability of the Corporation to acquire the assets of Capital Transit Co. prior to August 31, 1956, the initial period with respect to which this motor vehicle fuel tax relief is granted is less than a 12-month period, it is intended that for such first period, an appropriate pro rata computation be made based on the percentage that the initial period is of 12 months.

Subsections (d) and (e) relate to the collection of motor fuel taxes which are not paid within the time referred to in subsection (c), together with penalties and interest.

Because of the uncertainty as to the amount of motor vehicle fuel tax which would be paid by the Corporation under this section it is desirable that the importer who sells motor fuel to the Corporation not be required to pay the tax on the motor fuel purchased by the Corporation and that the Corporation not be required in turn to pay the amount of such tax to the importer. Therefore, subsection (f) provides for the issuance of the necessary certificates of exemption to the Corporation.

Subsection (g) provides that if after completion of conversion to an all-bus operation as provided in section 7, or at such earlier time as the Commission finds that the conversion has been substantially completed and certifies that fact to the Commissioners, the Corporation, despite all other tax relief granted to it, fails to earn a 6½ percent rate of return on either its system rate base or, if the operating ratio method is being used, on its gross operating revenues, the Corporation shall not be required to pay real estate taxes upon any real estate owned by it in the District of Columbia used and useful for the conduct of its public transportation operations to the extent that the Public Utilities Commission determines that its net operating income for the previous year was insufficient to afford it a 6½ percent rate of return.

Section 9 follows the pattern for relief from the District of Columbia motor vehicle fuel tax which was proposed for Capital Transit Co. in section 4 of the House amendment, with the exception that section 9 contemplates the future use of the operating ratio method for determining rates and modifies the provisions of the House amendment to the extent necessary to take care of that possibility. It further differs from section 4 of the House amendment in that contemplated writeoffs of property as the result of conversion to all-bus operation (to the extent such writeoffs are not included as operating expenses in determining net earnings for ratemaking purposes) are permitted to be ignored in determining the Corporation's net operating income under section 9, so that for such purpose, the Corporation's Federal income taxes and District of Columbia taxes on corporate income are established on the basis of what they would have been but for such writeoffs. Finally, the House amendment contained no provision for relief of real estate taxes, as is provided in section 9 (g) of the conference substitute.

Section 10 (a) provides that the Corporation shall not be charged any part of the expense of removing, sanding, salting, treating, or handling snow on the streets of the District of Columbia, except that the Corporation shall sweep snow from the streetcar tracks at its own expense so long as such tracks are in use by the Corporation. Subsection (b) of this section relates to this same matter. Similar provisions with respect to Capital Transit Co. were included in the House amendment.

Section 11 is intended to make it clear that certain specified provisions of District law are not to be deemed to restrict any merger or consolidation of the Corporation with any other company or companies engaged in mass transportation in the District or the Washington metropolitan area, but it is expressly provided that any such merger or consolidation shall be subject to approval of the Public Utilities Commission.

Section 12 of the conference substitute is included to insure that nothing in the franchise will prevent the transfer in the future to any other agency, by or pursuant to law, of any of the functions which the franchise grants to or imposes on the Public Utilities Commission.

Section 13 contains several provisions intended to authorize the doing of certain things considered necessary or appropriate in order to facilitate the carrying out by the Corporation of its contract with Capital Transit Co. and the commencement of transportation operations under the franchise.

Subsection (a) relates to the issuance or creation of loans, mortgages, deeds of trust, notes, or other securities to any banking or other institution or institutions and the Capital Transit Co., in connection with the contemplated acquisition of assets.

Subsection (b) would make it unnecessary to secure Interstate Commerce Commission approval of (1) the contemplated acquisition of assets, including certificates of public convenience and necessity held by Capital Transit Co. or a wholly owned subsidiary of it, or (2) the issuance of securities provided for in subsection (a). It also provides that the proposed acquisition of assets and issuance or creation of securities may be accomplished without having to secure approval of any District of Columbia agency or commission.

Subsection (c) provides that this section shall not apply to any issuance of securities constituting a public offering to which the Securities Act of 1933 applies.

The purpose of subsection (d) is to make it possible for an individual who is now an officer and director of an air carrier (as that term is used in section 409 (a) of the Civil Aeronautics Act of 1938) to become and continue to be connected with the Corporation (or a subsidiary engaged in transportation in the Washington metropolitan area) as an officer or director or in certain other specified capacities, without having to secure prior approval of the Civil Aeronautics Board under section 409 (a) of the Civil Aeronautics Act of 1938.

Subsection (e) provides that section 20a (12) of the Interstate Commerce Act shall not require Interstate Commerce Commission approval in order for a person who is an officer or director of the Corporation to also be an officer or director of any subsidiary of the Corporation engaged in mass transportation of passengers in the Washington metropolitan area.

Section 14 is a provision, substantially similar to one contained in the contract under which D. C. Transit System, Inc., is to acquire the assets of Capital Transit Co., spelling out the respects in which D. C. Transit is to become subject to, and responsible for, the liabilities of Capital Transit Co.

Title I, part 2

This part consists of sections 21, 22, and 23.

The effect of these provisions is to insure that Capital Transit Co. will continue to exist as a corporation, but it is made clear that the termination of its franchise, as heretofore provided by law, is unaffected. If part 1 of title I takes effect, Capital Transit Co. is to be relieved of all liability to remove from the streets and highways of the District all of its properties and facilities and to restore such streets and highways. However, if part 1 of title I does not take effect, Capital Transit Co. is not relieved of such liability.

Title II

This title consists of sections 201, 202, and 203.

Section 201 of title II of the conference substitute provides that part 1 (the franchise provisions) of title I shall take effect on August 15, 1956, but only if prior thereto D. C. Transit System, Inc. (referred to in title II as the "Corporation") has acquired the assets of Capital Transit Co. and has notified the Commissioners of the District of Columbia in writing that it will engage in the transportation of passengers within the District of Columbia beginning on August 15, 1956. If the Corporation has not acquired the assets of Capital Transit Co. prior to August 15, 1956, but does thereafter acquire such assets, the Corporation shall, on the date of such acquisition, give written notice thereof to the Commissioners, and part 1 of title I shall take effect upon such date of acquisition.

Subsection (b) of section 201 provides that part 2 of title I, and title II, shall take effect upon the date of the enactment of this act.

Section 202 of the conference substitute provides that if it is determined by the Commissioners of the District of Columbia that, due to any act or omission on the part of the Corporation, the Corporation has not acquired the assets of Capital Transit Co. and if such Commissioners approve a valid contract, ratified and approved by the required number of stockholders of Capital Transit Co., between Capital Transit Co. and some other corporation providing for the acquisition of such assets and if such other corporation is also approved by such Commissioners as capable of performing the operation contemplated by the franchise provisions of part 1 of title I, then the terms "D. C. Transit System, Inc." and "Corporation" as used in this act shall be deemed to mean such other corporation for all purposes of this act. In other words such other corporation would be granted the franchise in lieu of D. C. Transit System, Inc.

Section 203 of the conference substitute grants to the Commissioners of the District of Columbia, if part 1 (the franchise provisions) of title I of this act does not take effect on August 15, 1956, the general authority to authorize (including authorization of such contractual agreements as may be necessary) such mass transportation of passengers within the District of Columbia, beginning on and after August 15, 1956, and until such date as part 1 of title I takes effect, as may be necessary for the convenience of the public. The section also pro-

vides that such transportation shall be furnished to the public at such rates and under such terms and regulations as may be recommended by the Public Utilities Commission and approved by the Commissioners of the District of Columbia. There is no intent on the part of the managers to grant any powers of eminent domain to the Commissioners under the provisions of this section.

The title of the bill has been changed to conform with the conference agreement.

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, Jr.,
WALTER ROGERS,
CHAS. A. WOLVERTON,
CARL HINSHAW,
JAMES I. DOLLIVER,
Managers on the Part of the House.

Mr. HESELTON. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I will yield to the gentleman but may I say first that the conference report under consideration relates to the transit problem in the District of Columbia. The conferees after many sessions and full discussion and consideration of this problem came to full agreement on this approach to the problem, and we are unanimous, both Senate and House, as to this solution of the problem.

I yield to the gentleman from Massachusetts, a member of our committee.

Mr. HESELTON. Mr. Speaker, it is not my intention to offer any objection to this conference report. My understanding is that it is unanimous.

I think the conferees are to be commended for attempting to reach a conclusion in a very complex and difficult subject. However, I have read the report, and as is the case with technical, legal language, there is a great deal to be desired in terms of finding out what the thoughts of the conferees are. I would like to ask a few questions to get their point of view. May I ask the chairman of the conferees if I am correct in my understanding that the conferees have said that the so-called Chalk-Fox group will be able to enter into a binding contract before the expiration of the franchise of the Capital Transit Co.?

Mr. HARRIS. I can say to my distinguished colleague, Mr. Chalk himself is very confident he can get possession of the facilities by the 15th of August. The representatives of the Capital Transit Co. also stated that they feel the arrangement can be completed and that the Chalk-Fox group can take over on the 15th of August. I might say in further response to the question that the stockholders of the Capital Transit Co. have a meeting called for August 3. The only thing that could prevent the matter from being completed by the 15th of August would be the running of the records and so forth that would be necessary to see that the titles were all clear.

Mr. HESELTON. While it is hoped that will come about, the gentleman will agree, I am sure, that it is impossible to say it definitely will materialize, either through some difference of opinion among the stockholders at their meeting or for some other reason.

Mr. HARRIS. That is conceded.

Mr. HESELTON. Have the conferees a recommended engineering report and arrangements so that some other suitable private applicant could make this contract in default of the Chalk-Fox group?

Mr. HARRIS. Those were some of the difficult problems that we had to wrestle with for a long time before we could work them out. In the first place, we do not know if the stockholders on August 3 will approve this contract and arrangement; consequently, anticipating that conceivably something could happen, we endeavored to work out a program as to the approach to this problem if it failed in some way.

Mr. HESELTON. May I ask this question, and I realize these are all assumptions but I think they are practical questions of real interest to those who have responsibility in the matter, including the conferees of the committees concerned, the Congress, the District Commissioners and the people of the District. Assume those things do not materialize, then what happens? Does the Capital Transit Co. continue to operate the transportation system?

Mr. HARRIS. Assuming for one reason or other the agreement with the Chalk group, called the Fox group, does not materialize on August 15, then the District Commissioners are given authority to enter into contractual arrangements with some other private operator to continue mass transportation for the District of Columbia during the interim it might be necessary in order to complete the contractual arrangements or the agreement with the Chalk people.

Mr. HESELTON. I realize how difficult it is to foresee every contingency; however, if you assume that the Chalk-Fox group, and I hope they will be able to, cannot complete the contract, if you assume there is no other suitable group that could step in and take the place of the Chalk-Fox group, if you assume the Capital Transit Co. and their stockholders do not want to carry on the transportation system in the District of Columbia, I wonder what would happen? Is there any arrangement? Is there any condemnation power?

Mr. HARRIS. There is no power of eminent domain in the conference report. We assume that there could possibly and conceivably be some development that the present contract would not become consummated. We provide if the Capital Transit Co. could enter into an agreement with some other private operator that would be satisfactory to the District Commissioners, then that company could be given a franchise on the terms of this franchise we have for the Fox group. If the Capital Transit Co. could not enter into an agreement or did not enter into an agreement with any private operator, in that case the District Commissioners are given authority to enter into contractual arrangements with some private operator for some means or some method or some way to provide transportation for the District of Columbia.

Mr. HESELTON. If they succeed, it will be all right; if they do not, we will have to come back here again.

Mr. HARRIS. Then we will have the problem next year when we come back here.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. As I understand this conference report, it does not grant a new franchise, at much better arrangements, to the Capital Transit Co. or to the so-called Wolfson interests, as was provided for in the original House bill which came before this body.

Mr. HARRIS. The gentleman is correct. Furthermore, there is nothing the Commissioners could do under the terms of this report that could give a franchise to the Capital Transit Co.

Mr. BROWN of Ohio. And neither does the conference report contain provisions that were in the original Senate bill which would set up a public authority.

Mr. HARRIS. That is correct.

Mr. BROWN of Ohio. In other words, this conference report reaches finally the very solution, the very suggestion that was made by some of us on the floor of the House that we should have neither a public authority nor a continuation of the so-called Capital Transit-Wolfson group franchise at much better rates than obtained in the past.

Mr. HARRIS. That is correct.

Mr. BROWN of Ohio. I congratulate the gentleman and his colleagues for getting around to a commonsense standpoint that many of us expressed on the floor of the House when this measure was first before us.

Mr. HARRIS. I thank the gentleman for his very kind statement. This conference report does precisely what we pleaded and urged that we might have an opportunity to do when we considered this bill on the floor of the House, by taking it to conference and working out a plan that would be satisfactory.

Mr. BROWN of Ohio. Some of us tried to suggest this in the first place, but we ran into a great deal of resisitance when this bill was first before us.

Mr. WOLVERTON. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New Jersey.

Mr. WOLVERTON. It is not my intention to take any considerable length of time, but I would feel remiss if I did not bring to the attention of the House again the very fine service that has been rendered by the gentleman from Arkansas [Mr. HARRIS], who has just presented the conference report. The membership of the House will never understand the difficulties that were faced by the conferees on this particular matter because of the many details that were in dispute between the Senate and the House. Of course, there was a basic difference in that the Senate looked toward a public authority to operate within the city, whereas the House had agreed upon private ownership. This brought into conflict differing ideas of a character that I think you can readily understand, and it required a great deal of skill in the handling of the matter. The chairman of the committee of conference, the gentleman from Arkansas [Mr. HARRIS],

displayed at all times not only a great degree of patience, which was necessary or there would have been probably no agreement, but, in addition to that, the deep study that he made of the legal questions involved, which were numerous and varied in character, and also the study that he made of the numerous questions that had to be decided, indicated that the services that he had rendered in this respect have never been exceeded by any chairman of a committee of conference. I feel that whatever has been said by the gentleman from Ohio, in expressing his satisfaction with what has been accomplished, is due very largely, if not entirely, to the zealous and careful consideration that was given to this matter by the gentleman from Arkansas.

I am certain that what has been brought forth by the conferees will provide a satisfactory service to the citizens of Washington in this important matter of transportation.

Furthermore, in answer to my colleague from Massachusetts [Mr. HESELTON] I would say that every phase of the situation that he covered in the questions he asked was most carefully considered by the conferees and we have every assurance, it is our understanding and our belief, that we have provided a means that will continue transportation in this city which will be highly satisfactory to the Members.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for his very kind statement. I want to say, Mr. Speaker, the subcommittee that handled this matter was as attentive and loyal to this very difficult problem as any I have experienced in my service of 14 years on the Committee on Interstate and Foreign Commerce. I want to commend every member of the committee and thank the members of the committee for the fine work that they have accomplished.

Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, in brief, the agreement worked out by the Senate and House conferees for assuring continuing transit service in the District of Columbia after this coming August 14, provides that this service will be rendered by a privately owned and operated system, under a new franchise granted for a period of 20 years.

The Members of the House will recall that the bill as it passed the Senate was designed to make provision for the mass transportation of passengers in the Washington metropolitan area through the creation of a public authority, which would take over after the Capital Transit Co. franchise expired on August 14. The bill as it was amended by the House, provided that this transportation service should continue to be privately rendered by the Capital Transit Co. under a modified franchise.

Subsequent to the passage of the bill in the House, several private groups approached the Capital Transit Co. and the Board of Commissioners of the District of Columbia for the purpose of buying out the Wolfson interests in Capital Transit, and continuing transit operation in the District under private management under a modified franchise acceptable to the Board of Commissioners, and within the general framework of guidelines which were laid out by the conferees.

On July 7, Capital Transit Co. agreed to sell its properties to TCA Investing Corp.—the so-called Chalk-Fox group—and this group agreed to buy them and operate a private system, subject to the receipt of a franchise along the lines of one they had worked out with the Board of Commissioners. On July 9, the Board of Commissioners presented this agreement, and draft franchise, and recommended that a franchise be awarded to the Chalk group upon the terms which they and the interested parties had worked out. The franchise which this legislation proposes to grant is substantially as recommended by the Commissioners.

The statement of the managers on the part of the House contains a summary of the provisions of the franchise, and an indication of the differences between the franchise here recommended and that proposed in the bill as it earlier passed the House—so that it is unnecessary to recapitulate here these terms and differences. The same general tax concessions based upon a 6½-percent return, handling of rate matters and maintenance for a year of present fares, snow removal, and so on, as were in the House bill, are in the franchise here proposed.

Inasmuch, however, as the new group is definitely committed to a conversion of street railway to all-bus operations within a 7-year period, and is also acquiring the existing properties at a figure substantially below the amount at which they are carried on the books of Capital Transit, there is no specific provision in this franchise setting the rate base. In this connection, also, provision is made permitting the Public Utilities Commission, if conditions warrant, to calculate the rate of return under an operation-ratio method rather than the rate-base method hitherto employed.

While the conferees have been given assurance that the new group will make every effort to effectuate the title searches, and complete other technical details, so that they will be able to acquire the assets and take over the operation of transit here on August 15, it is possible, of course, that these ramifications may take a little more time than the 4 weeks remaining until that date. The conferees, accordingly, have made provision whereby the Commissioners may make the franchise to the new group effective at a date subsequent to August 15. Provision is also made whereby the Commissioners may make any arrangements for the continuing operation of the properties until the new group takes over. Capital Transit Co. has written the conferees to the effect that it will cooperate in every way with the Commissioners in the continuation of transit operation until all arrangements are finalized and the transfer of the property completed. Thus we are assured that there can be no hiatus between the termination of the old franchise to Capital Transit and the operation by the new group. The continuation of adequate transit service to the people of the area, without interruption, of course has always been one of the prime considerations before us.

The conference substitute further provides that in the event the deal with the Chalk group should fall through, the franchise may become operable with respect to any other corporation which the Commissioners approve and which acquires the properties under a contract approved by the Commissioners.

I urge the adoption of this conference substitute. It is fully in accord with the main objective of our committee and of the House in seeking a continuing transit service for the citizens under private operation.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I appreciate the difficulty and the complexity of the local transportation problem, difficult and complex in any city but especially so in Washington since here we have the element of haste because Congress feels the necessity to find the answer before it adjourns. The element of haste in finding the answer to any problem in local transportation is the element that destroys any possibility of finding the answer that has much real virtue except expediency. I do appreciate the hard, exacting work that the chairman and the members of the House subcommittee gave to the task. I feel they have earned the acclaim and gratitude for their efforts of all their colleagues in this body and of the people of Washington.

Nevertheless I opposed on the floor and with my vote the bill originally presented to the House. It was because I did not think it possible for any men of the highest of ability and the greatest of faithfulness to their public responsibilities to draw up a traction bill properly protective of the public interest when expediency was the end they had to serve.

The bill that has come from the conferees is a vastly better bill. It represents hard and conscientious work by the conferees of both bodies. It is regrettable, however, that neither this nor the other body will have much opportunity to carefully consider the report of the conferees and the details of the bill finally worked out. It is an unavoidable situation because the people of Washington must have local transportation, the Congress is about to adjourn and the people of Washington having no home rule the Congress of the United States is the city council of the city of Washington. If Washington had its own municipal legislative body, and the adoption of a franchise ordinance were dependent on the outcome of a referendum, I doubt that it would contain all the language in this bill.

I do wish to call the attention of my colleagues to the language in section 4 of part I of title I. This is a section that guarantees to the traction corporation a return of at least 6½ percent net on investment. Please note that the language is not a return of 6½ percent net but—and I quote the exact language—"to earn a return of at least 6½ percent." Now I come to the last sentence of section 4 which reads:

It is further declared as a matter of legislative policy that if the Corporation does provide the Washington metropolitan area with good transportation, with reasonable rates, the Congress will maintain a continuing interest in the welfare of the Corporation and its investors.

To me this is strange language in traction legislation. Having in mind that this is in the nature of a contract I would think it would require judicial interpretation as to the extent of the binding application of that language upon the Congress and the city of Washington.

It goes without saying that the Congress as well as the people of Washington will maintain a continuing interest in the welfare of the corporation upon which it is dependent for its local transportation. Certainly the Congress and the people of Washington hopefully look forward to the very best kind of transportation and will always give their blessing and their continuing interest in the welfare of the company supplying that transportation service. But why is it put in this bill as a declaration of legislative policy? Words and phrases are not put in contracts unless they are intended to serve some purpose in the protection and interest of one or both of the parties to the contract. Having had some little experience in this field, I can only remark that I should like more time to study the meaning and the contractual weight of such a declaration of legislative policy than is afforded at the present time when we are getting ready to adjourn and feel that we cannot leave the city without home rule to go without streetcars possibly until we return. Under the circumstances, the conferees have probably done the best that could have been done. As I have said they have come up with a much better bill than that which squeaked through the House by a very narrow margin some weeks ago.

In withdrawing my objection, I express my hope but unhappily not my confidence, that all will work out as well as expected and that some day the District of Columbia will enjoy home rule so that its many problems, including the difficult one of local transportation, will not eternally have to be decided on the rule of expediency.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SAFETY DEVICES ON HOUSEHOLD REFRIGERATORS

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 11969) to require certain safety devices on household refrigerators shipped in interstate commerce, with a committee amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. McGREGOR. Mr. Speaker, reserving the right to object, it is my understanding that this is the bill requiring certain safety devices on household refrigerators; is that correct?

Mr. ROBERTS. The gentleman from Ohio is correct.

Mr. McGREGOR. Mr. Speaker, further reserving the right to object, I am sure that all of us are certainly in accord with the intent of this proposed legislation. I am sure that the manufacturers of iceboxes and refrigerators are willing and want to do everything they can to prevent some of the tragedies that may happen. However, some of us have felt that probably this legislation was a little premature owing to the fact that the Bureau of Standards was making a study and was soon to report, we hope, on just what devices should be recommended. It is my understanding that the gentleman from Alabama has an amendment which will clarify this situation and in reality will give industry a year and 90 days in which to arrange their production so that they will be in compliance with the recommendation of the Bureau of Standards.

Mr. ROBERTS. That is correct. I might say that the language of the amendment which I shall offer at the proper time, has been approved by Frigidaire, which is one of the largest manufacturers in this particular industry.

Mr. McGREGOR. The gentleman from Alabama has been most cooperative. He has shown me his amendment, and I am certain that it carries out the request we had previously made.

Mr. SCHENCK. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Ohio.

Mr. SCHENCK. It so happens that the largest manufacturer of household refrigerators is located in the congressional district I have the honor to represent. This manufacturer, along with other manufacturers of electric refrigerators, has expressed their complete agreement with the philosophy and idea behind this legislation. They believe it is worthy, they believe it is timely, and they are perfectly willing to accept the legislation. They had some ideas for amendments which would permit them to comply with these regulations, and those amendments have been worked out.

Mr. McGREGOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any household refrigerator manufactured after the effective date of this act unless it is equipped with a device which enables the door thereof to be opened easily from the inside.

SEC. 2. Any person who violates the first section of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both.

SEC. 3. As used in this act, the term "interstate commerce" includes commerce between one State, Territory, possession, or the District of Columbia, and another State, Territory, possession, or the District of Columbia.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That it shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any household refrigerator manufactured on or after the date this section takes effect unless it is equipped with a device, enabling the door thereof to be opened from the inside, which conforms with standards prescribed pursuant to section 3.

"SEC. 2. Any person who violates the first section of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both.

"SEC. 3. The Secretary of Commerce shall prescribe and publish in the Federal Register commercial standards for devices which, when used in or on household refrigerators, will enable the doors thereof to be opened easily from the inside; and the standards first established under this section shall be so prescribed and published not later than 90 days after the date of the enactment of this act.

"SEC. 4. As used in this act, the term 'interstate commerce' includes commerce between one State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico and another State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico.

"SEC. 5. This act shall take effect on the date of its enactment, except that the first section of this act shall take effect 1 year after such date of enactment."

Mr. ROBERTS. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS to the committee amendment: Page 3, line 6, strike out "effect 1 year after such date of enactment." and insert in lieu thereof the following: "effect 1 year and 90 days after the date of publication of commercial standards first established under section 3 of this act. In the event of a change in said commercial standards first established, a like period shall be allowed for compliance with said change in commercial standards."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PURPOSE OF LEGISLATION

Mr. ROBERTS. Mr. Speaker, the reported bill would make it unlawful for any person to introduce or deliver for introduction into interstate commerce any household refrigerator (manufactured 1 year following the date of enactment of this act or thereafter) unless such refrigerator is equipped with a device which will enable the door thereof to be opened easily from the inside. The purpose of the legislation is to minimize, if not entirely eliminate, the number of tragic deaths of innocent children entrapped inside refrigerators, which have been occurring with increasing frequency in recent years.

NEED FOR LEGISLATION

From time to time the people of this Nation have been shocked to read in the newspapers stories of children who were entrapped inside refrigerators and ice boxes and were suffocated to death. In 1952, 14 such deaths were recorded, and in 1953, 26 deaths were recorded. From January 1954 to June 1956, the records show that there were at least 33 incidents of suffocation in household refrigerators, involving 54 children of whom 39 died. With the number of such deaths increasing each year, it is imperative that the Congress enact legislation to minimize these deaths insofar as possible.

The legislation here proposed to attack this problem is to require that all household refrigerators hereafter manufactured and shipped in interstate commerce shall be equipped with an effective device which will enable a child trapped inside to open the door.

Some opposition has been expressed to this legislation on the ground that most of these tragic accidents have occurred in abandoned ice boxes. This fact does not lessen the urgency of this legislation because the problem is not confined to abandoned ice boxes. There are instances where children have suffocated in refrigerators which were being defrosted or otherwise in use. Furthermore, the refrigerators that are being manufactured today may be the coffins of innocent children 15 years hence when these refrigerators will be abandoned. The Congress should not fail to act now because the effect of this legislation cannot be felt immediately.

No doubt publicity campaigns to make parents alert to the dangers of deaths in refrigerators are helpful, but they are inadequate to meet the problem. Likewise, State laws and local ordinances forbidding the abandonment of these potential death traps, without first removing the door or the door latch, are inadequate. The bill here being reported is essential to protect the lives of the innocent children of this Nation.

STANDARDS FOR SAFETY DEVICES

While many of the new refrigerators being sold today already are equipped with some type of safety device which will enable one to open the door from the inside, the reported bill does not prescribe any one device. Rather, it directs the Secretary of Commerce to prescribe commercial standards for such devices. the National Bureau of Standards of the Department of Commerce, with the cooperation of the refrigerator manufacturing industry, has been engaged for some time in experiments to determine the basic criteria of reasonable safety which manufacturers could incorporate in the design of their refrigerators for preventing the suffocation of children entrapped in refrigerators.

The committee is confident that satisfactory criteria can be developed which will be effective in saving the lives of children and yet not work undue hardship on the refrigerator manufacturing industry. In fact, 6 months ago the Department of Commerce advised a subcommittee of this committee that substantial accord had already been reached between representatives of the refrigerator manufacturing industry and the National Bureau of Standards with respect to the criteria for such safety devices.

SECTION-BY-SECTION ANALYSIS OF REPORTED BILL

Section 1 would make it unlawful for any person to introduce or deliver for introduction into interstate commerce any household refrigerator manufactured 1 year after the date of enactment of this act, or thereafter, unless such refrigerator is equipped with a device which will enable a person entrapped inside to open the door easily.

Section 2 provides a penalty for violation of section 1 of this act. Upon conviction, a person shall be subject to imprisonment for not more than 1 year or a fine of not more than $1,000, or both.

Section 3 directs the Secretary of Commerce to prescribe and publish in the Federal Register commercial standards for such devices, containing the basic criteria of reasonable safety which manufacturers of household refrigertors shall incorporate in the design and manufacture of such refrigerators for enabling the doors thereof to be opened easily by a person entrapped inside. These standards must be prescribed and published not later than 90 days after the enactment of this act.

Section 4 contains a definition of "interstate commerce."

Section 5 provides for the effective date of this act to be changed to allow the industry 1 year and 90 days from the date of publication of standards in the Federal Register by the Secretary of Commerce and a like time in the event of a change in said commercial standards first established.

HEARINGS

Hearings on this legislation were held on July 20 and 21, 1955, and May 28, 1956. These hearings were on H. R. 2181. H. R. 11969 was introduced as a clean bill to achieve the objectives sought by H. R. 2181.

INTERCHANGE OF LANDS BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE MILITARY DEPARTMENTS OF THE DEPARTMENT OF DEFENSE

Mr. DORN of South Carolina. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2572) to authorized the interchange of lands between the Department of Agriculture and military departments of the Department of Defense, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Reserving the right to object, Mr. Speaker, this is an exchange of land between the military departments and the States; is that correct?

Mr. DORN of South Carolina. No. It is an exchange between the Corps of Engineers in the Defense Department and the Department of Agriculture, the Forest Service.

Mr. GROSS. How much acreage is involved?

Mr. DORN of South Carolina. I yield to the gentleman from California to answer that.

Mr. TEAGUE of California. In my particular area in California there are about 30,000 acres involved on each side. I am familiar with it. This is an entirely reasonable and fair exchange from a value standpoint. Further, the bill contains a provision that no such exchanges may be made without a 45-day notice to the Congress at a time when the Congress is in session.

The purpose of the bill is to open up additional areas, which are not now available for use for recreational purposes, to the public for fishing, hunting, or other recreational purposes. It does not involve any money.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture with respect to national forest lands and the Secretary of a military department with respect to lands under the control of the military department which lie within or adjacent to the exterior boundaries of a national forest are authorized, subject to any applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended, to interchange such lands, or any part thereof, without reimbursement or transfer of funds whenever they shall determine that such interchange will facilitate land management and will provide maximum use thereof for authorized purposes: *Provided*, That no such interchange of lands shall become effective until 45 days (counting only days occurring during any regular or special session of the Congress) after the submission to the Congress by the respective Secretaries of notice of intention to make the interchange.

SEC. 2. Any national forest lands which are transferred to a military department in accordance with this act shall be thereafter subject only to the laws applicable to other lands within the military installation or other public works project for which such lands are required and any lands which are transferred to the Department of Agriculture in accordance with this act shall become subject to the laws applicable to lands acquired under the act of March 1, 1911 (36 Stat. 961), as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL CIVIL DEFENSE ADMINISTRATION

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5435) to amend further the Federal Civil Defense Act of 1950, as amended, to authorize the Federal Civil Defense Administration to procure radiological instruments and detection devices, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection 201 (h) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 249), is further amended by adding the following proviso: "*Provided further*, That the administrator is authorized to procure under this subsection radiological instruments and detection devices, and distribute the same by loan or grant to the States for training and educational purposes, under such terms and conditions as the administratior shall prescribe."

Mr. DURHAM. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DURHAM. Mr. Speaker, the purpose of H. R. 5435 is to give permanent legislative authority to the Administrator of the Federal Civil Defense Administration to procure radiological instruments and detection devices, and to distribute the same by loan or grant to the States for training and educational purposes.

The problem of detection and measuring radioactive fallout from nuclear explosions has become a major concern in the civil defense of the Nation. In approaching a solution to it, it is evident that there must be full coordination of our civil-defense resources at all levels of our Government.

Any of the civil-defense services—fire, police, rescue, welfare, warden, first aid—are likely to have to work in a contaminated area, and must have personnel trained and equipped to do the radiation monitoring.

The need for radiological defense is not restricted to the critical target area or even to the towns around them. With the possibility of fallout that could exist under a wide-scale attack, and under various weather conditions, every community in the United States must develop a radiological defense. This means training which cannot be done without instruments and, for this reason, instruments are the key to the whole problem.

There exists little proficiency in the evaluation of radiation hazards or in the operation of radiation instruments and the interpretation of their readings. At least 10 to 16 hours are required to train an instrument reader; 25 to 30 additional hours are required to train the radiological monitor who can interpret the instrument readings and recommend civil-defense actions.

The Civil Defense Administration proposes to bring the training programs into our school systems. It is believed that high-school science courses should include radiological defense subject matter and high-school science teachers should be capable of giving instruction in radiological monitoring. Consequently, if the radiological instruments can be made available to the high-school science departments a big step forward will have been made in getting this course of training initiated. Of course, in offering such training the Federal Civil Defense Administration will cooperate with the Atomic Energy Commission and with the Office of Education of the Department of Health, Education, and Welfare in the development of training programs to qualify the science teachers as instructors in radiological defense.

The Independent Offices Appropriations Act for fiscal year 1956 contained funds of approximately $4 million, and with that amount this program has already been started. This bill merely has the effect of giving permanent authorization for the purchase of these instruments in the future so that they can be loaned to the States for training purposes. The cost of the program for fiscal year 1957 is estimated to be $5.3 million.

Mr. Speaker, it does little good for us to purchase civil-defense detection devices if we do not have adequately trained personnel throughout the Nation who can use these instruments. In case of an enemy attack it will be absolutely imperative that people throughout the country be trained in the use of radiological instruments in order to detect radioactive fallout from nuclear explosions. I urge all members to give favorable consideration to this legislation.

Mr. OSTERTAG. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, the purpose of this bill is to enable the Administrator of the Federal Civil Defense Administration to acquire and distribute radiological detection devices to the States for education and training purposes.

The importance of providing such authority, on a permanent basis, can hardly be overestimated. It would probably be desirable even if we were assured of peace, for radiation hazards may result from the industrial uses of atomic energy as well as from its use in weapons. But so long as the threat of war hangs over us, it is absolutely essential.

Radiation fallout from an A-bomb or an H-bomb can endanger life not only within the immediate vicinity of a detonation, but over an area of thousands of square miles. Federal Civil Defense Administrator Val Peterson estimates that the fallout from a single 20-megaton bomb would occur in dangerous quantities over an area of 8,000 to 10,000 square miles. In the event of a full-scale attack, the dangers would be multiplied astronomically. The Army recently released estimates indicating that an atomic attack in relatively thickly settled areas of the world could result in several hundred million deaths, depending on which way the wind blew.

Against the dangers of this deadly peril, there is at present only one known protection—cover, deep cover, preferably, until the danger is past. And the only way to determine when the danger is past is through radiation detection devices.

To utilize and operate such devices over an area of several thousand, or as much as a million square miles would, of course, be beyond the capabilities of the Federal Government, even if it was disposed to take over the entire civil-defense organization.

As the President wisely observed, in his message to FCDA Administator Peterson this week:

> Civil defense can never become an effective instrument for human survival if it becomes entirely dependent upon Federal action. * * * The Federal Government must remain in partnership with States, cities, and towns. Only in this way can we obtain more citizen participation, more vigorous efforts by States, local governments, and metropolitan areas, and more readiness by the Congress to support necessary civil-defense measures.

Mr. Speaker, the bill before you is designed to implement the radiation detection program within that framework of Federal-State-local cooperation. It is not intended to replace or eliminate the purchase by the States of radiological detection devices within their present civil-defense programs. It is intended to accelerate their programs, at both the State and local levels, however, so that cadres of radiological-detection personnel, trained and equipped, can be developed throughout the country.

Some work along these lines is already going forward as the result of temporary authority granted to FCDA in appropriations bills. This bill would make that authority permanent, so that FCDA can expand and accelerate its programs, in the interest of this Nation's safety. I hope it will be speedily enacted into law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSENT CALENDAR AND SUSPENSIONS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order on Monday next to call the Consent Calendar, and that it also be in order for the Speaker to recognize Members to move to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. NICHOLSON. Mr. Speaker, reserving the right to object, I want to ask about a bill that I have introduced. I wonder if I can bring it up under suspension of the rules, if the committee does not want me to do so.

Mr. McCORMACK. I will be glad to confer with my friend and give him the benefit of my advice and experience.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, I would like to ask about the program for Saturday.

Mr. McCORMACK. I am unable to state now, but I am philosophically viewing the program after today. Tomorrow, when I see what develops, why then I will concentrate on Saturday.

Mrs. ROGERS of Massachusetts. Undoubtedly, we will work on Saturday.

Mr. McCORMACK. Oh, absolutely. I make that statement for all Members.

The SPEAKER. Is there objection?

There was no objection.

RE H. R. 8902

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. HESELTON] is recognized for 20 minutes.

Mr. HESELTON. Mr. Speaker, yesterday I outlined some of the reasons for opposing this legislation, beginning at page 13418.

At page 13422 I referred to the fact that a capital gains proceeding was begun by the Civil Aeronautics Board on April 6, 1956.

I pointed out that the existence of a problem as to how best and fairly to deal with gains and losses upon retirement of the property of airlines.

But I referred to the excellent comment as to the value of this proceeding before the Civil Aeronautics Board made by Vice Chairman Joseph P. Adams, of that Board, when he said:

> I consider this kind of proceeding the best approach to the problem because it looks toward a policy consistent with the scheme of the Civil Aeronautics Act, fully supported by a complete economic record, and geared as closely as possible to the individual needs of the carrier.

This capital gains proceeding has reached the stage of a prehearing conference and the report on that was served July 3, 1956.

Thirty-three airlines are parties to this proceeding. They are the ones still receiving subsidies from the Federal Treasury.

It is of considerable significance that one of these airlines, Pan American, has already received from the taxpayers of this country over one-fifth of a billion dollars in subsidies in the fiscal years 1939–56—$219,768,000—as set out in the table on page 13422 of yesterday's RECORD. It is more significant that in the tabulation of capital gains prepared by the Department of Commerce as illustrative of the amounts which would have accrued to subsidized airlines in the 5 calendar years 1951–55, had this proposal been law. Pan American would have had the lion's share from the Federal Treasury, approximately $17,288,000 of the total of $21,900,700.

This makes quite clear Pan American's keen interest in and vigorous efforts to secure passage of this proposal by Congress.

But it still leaves unanswered why Pan American should be so concerned about permitting this Civil Aeronautics Board proceeding to continue to conclusion unless it interprets the decisions of the United States Court of Appeals, which was unanimously upheld by the Supreme Court of the United States, as fatal to its efforts to avoid the necessity of establishing "need" under existing law, in order to get subsidy on subsidy. This seems more than likely in view of the fact that the Civil Aeronautics Board has ruled consistently against Pan American and other airlines in treating capital gains received from the retirement of flight equipment as other revenue under existing law and as thereby reducing claimed subsidy requirements—see annotation 3 in order instituting proceedings, which I now include:

UNITED STATES OF AMERICA,
CIVIL AERONAUTICS BOARD,
Washington, D. C.

ORDER NO. E-10171 ADOPTED BY THE CIVIL AERONAUTICS BOARD AT ITS OFFICE IN WASHINGTON, D. C., ON THE 6TH DAY OF APRIL 1956

Mail rates for Alaska Airlines, Inc.; Alaska Coastal Airlines; Allegheny Airlines, Inc.; Bonanza Air Lines, Inc.; Braniff Airways, Inc.; Byers Airways, Inc.; Central Airlines, Inc.; Colonial Airlines, Inc.; Continental Air Lines, Inc.; Cordova Airlines, Inc.; Ellis Air Lines; Frontier Airlines, Inc.; Hawaiian Airlines, Ltd.; Helicopter Air Service, Inc.; Lake Central Airlines, Inc.; Los Angeles Airways, Inc.; Mohawk Airlines, Inc.; New York Airways, Inc.; North Central Airlines, Inc.; Northeast Airlines, Inc.; Northern Consolidated Airlines, Inc.; Ozark Air Lines, Inc.; Pacific Northern Airlines, Inc.; Pan American-Grace Airways, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Reeve Aleutian Airways, Inc.; Southern Airways, Inc.; Southwest Airways Co.; Trans-Pacific Airlines, Ltd.; Trans-Texas Airways; West Coast Airlines, Inc.; Wien Alaska Airlines Inc.; Docket No. 7902.

ORDER INSTITUTING PROCEEDINGS

The instant order reopens the outstanding section 406 mail rates of the subsidized carriers for the sole purpose of determining whether or not the orders establishing such rates should be amended, effective April 6, 1956, by the addition of provisions for reflecting gains and losses upon retirement of property and the terms of such provisions. As the institution of these proceedings is not based upon the ground that the existing subsidy mail rates are otherwise excessive, this order is not intended to affect the present rate level of any carrier except insofar as subsidy may be adjusted as the result of this case to reflect the results of property retirements.

Since the policies developed in this proceeding will affect carriers on temporary as well as final rates, all subsidized carriers have been made parties to this proceeding.

The Board's authority to fix mail rates containing subsidy is set forth in section 406 of the Civil Aeronautics Act. Subsection (b) thereof provides that the Board "shall take into consideration, among other factors * * * the need of each such air carrier for compensation for the transportation of mail sufficient * * * together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required."

In determining a carrier's need, we must, therefore, consider the extent to which that need is reduced by the carrier's revenues from other sources.[1]

Particularly since the beginning of the Korean conflict, profits from property retirements, especially of flight equipment, have been substantial. Such profits have, of course, always been considered as a part of "other revenue." In line with the Board's general policies on the treatment of "other revenue," it has followed the practice of reducing claimed subsidy requirements by the amount of any known capital gains received from the retirement of flight equipment. Thus, such gains have usually been offset in full against subsidy in so-called past period rate cases.[2] In addition, the Board has applied such profits to reduce future rates in cases where the profits were realized prior to the establishment of the rate.[3]

Logical application of our other revenue policy would seem to require that in establishing subsidy rates for future periods a forecast of retirement gains be made, and that such gains be utilized to reduce the subsidy otherwise required for the future. However, application of a policy of reducing future subsidy by forecast retirement gains raises substantial problems as regards sales which have not yet been consummated. The timing of each sale, the state of the market for aircraft at the time when the transaction is completed, and other variable factors render a reasonably accurate forecast of gains from this source most difficult.

Since the forecasting of gains upon disposition of property appears likely to entail a substantial margin of error, we have considered whether some alternative technique could be adopted which would prove more accurate and workable, would be entirely equitable to the carriers and the Government alike and would not disturb the finality status of the subsidized carriers' rates. The capital requirements arising from the carriers' reequipment programs also suggest that we should reappraise our policies regarding gains from retirements of property. Accordingly, we have instituted this proceeding in order that the parties may develop a record from which we may formulate a policy for dealing with retirement profits to be applicable to all subsidized carriers, whether on final or temporary rates. The order contemplates that any new policy will be applied by means of an amendment to all outstanding rate orders effective as of the date of the issuance of this order.

Since our sole concern in this proceeding is with the problem of retirement gains, it would be clearly undesirable from the standpoint of the carriers and the public interest to reopen all subsidy rates with respect to all issues in order to deal with that one issue. Such a course would involve the necessity of establishing rates for possibly lengthy past periods for all subsidy carriers, a course which

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[1] *Western Air Lines* v. *C. A. B.* (347 U. S. 67 (1954)); *Delta Air Lines* v. *Summerfield* (347 U. S. 74 (1954)).

[2] Pan American World Airways, Inc., Latin American division, mail rates (provisional statement), order No. E-7441, pp. 35–36, June 5, 1953 (final order), order No. E-7495, June 19, 1953; Northeast Airlines, Inc., mail rates (provisional statement), order No. E-7368, pp. 15–17, May 11, 1953 (final order), order No. E-7443, June 5, 1953; Northwest Airlines, Inc., mail rates, domestic operations (tentative statement), order No. E-5839, p. 34, November 2, 1951 (final order), order No. E-6338, April 18, 1952; Pennsylvania-Central Airlines, mail rates 4 CAB 22, 30 (1942).

[3] Pan American World Airways, Inc., system mail rates (provisional statement), order No. E-9869, p. 8, December 22, 1955 (final order), order No. E-9889, December 30, 1955; Braniff Airways, Inc., domestic and international mail rate (provisional statement), order No. E-9670, p. 11, October 18, 1955 (final order), order Nos. E-9711 and 9712, November 3, 1955; Transatlantic Final Mail Rate Case (opinion), order No. E-8833, p. 115, December 20, 1954 (supplemental opinion on reconsideration), order No. E-9530, pp. 29–30, August 30, 1955; Braniff Airways, Inc., domestic operations, mail rates (provisional statement), order No. E-7780, pp. 18–19, October 1, 1953 (final order), order No. E-7928, November 27, 1953.

would be burdensome to the Board and the carriers and which would remove the incentives, which are furnished by final future rates, toward the achievement of economies leading to self-sufficiency.

Another possible procedure for dealing with the retirement problem would be to institute an investigation. This would have the advantage of enabling us to limit the issues involved to the single issue presented. However, any action which we could take upon the termination of such an investigation would be prospective only and we would therefore be unable to reflect the effect of possibly substantial capital gains realized by carriers between the institution and termination of the proceeding.

We believe that an acceptable solution to this problem is to provide for the reopening by this order of all subsidy mail rates, effective on the date of this order, and the limitation of the issues in such proceeding to the question of retirement gains and losses, subject to the right of any carrier, at its option, to raise the issue of its over-all rate level at any time during the course of the proceeding. At the conclusion of the proceeding the Board will then be in a position to adjust the rates of all carriers not exercising such option, effective April 6, 1956, in order to reflect the determination of the proper treatment of retirement profits, while at the same time leaving the other elements of the carriers' rates intact.

In view of the fact that gains on retirement of flight equipment are clearly separable from the other elements going to the establishment of the rate, we believe that this procedure is practical as well as equitable to all parties. In limiting the issues solely to the question of the proper treatment of retirement gains we are not depriving any carrier of an opportunity to raise any other issues going to the total rate, such as rate of return, selling expense, operating revenues, service lives and residual values of aircraft, etc.

We are providing, however, that unless other issues are clearly raised by formal application accompanied by supporting data filed within 30 days of service of this order, they shall be considered waived, but where a carrier files an application which raises any other issue as to its rate, then all issues going to the fixing of a mail rate will be open, effective April 6, 1956.[4] Any carrier desiring to challenge the adequacy of its overall rate level during the pendency of this proceeding following the 30-day period may do so by filing a similar application and in such event the carrier's rate level shall be considered open as to all issues as of the date of such application.

We shall, of course, continue to establish mail rates during the course of this proceeding in the normal fashion. In fixing such rates, we shall apply our current policies regarding retirement gains. If, at the conclusion of this proceeding, it is determined that no change should be made in those policies, the compensation paid pursuant to such rates will be left undisturbed. If some policy change is made with regard to retirement gains, the rates established during the pendency of this proceeding may be modified accordingly, effective April 6, 1956.

Accordingly it is ordered that proceedings are hereby instituted reopening the outstanding mail rates established under section 406 of the Civil Aeronautics Act[5] for the operations of Alaska Coastal Airlines; Byers Airways, Inc.; Central Airlines, Inc.; Continental Air Lines, Inc.; Cordova Airlines, Inc.; Ellis Air Lines; Frontier Air Lines, Inc.; Hawaiian Airlines, Ltd.; Helicopter Air Service, Inc.; Lake Central Airlines, Inc.; North Central Airlines, Inc.; Northeast Airlines, Inc.; Pan American World Airways, Inc.; Reeve Aleutian Airways, Inc.; Southern Airways, Inc.; Trans-Pacific Airlines, Ltd.; and Wien Alaska Airlines, Inc., over their entire systems, and Braniff Airways, Inc., over its international routes, for the sole purpose of determining whether or not the orders establishing such mail rates should be made subject to provisions for adjustment, effective April 6, 1956, to reflect gains and losses upon the retirement of property[6] owned by such carriers, and the terms of such provisions.[7]

It is further ordered that Alaska Airlines, Inc., Allegheny Airlines, Inc., Bonanza Air Lines, Inc., Colonial Airlines, Inc., Los Angeles Airways, Inc., Mohawk Airlines, Inc., New York Airways, Inc., Northern Consolidated Airlines, Inc., Ozark Air Lines Inc., Pacific Northern Airlines, Inc., Pan American-Grace Airways, Inc., Piedmont Aviation, Inc., Southwest Airways Co., Trans-Texas Airways, and West Coast Airlines, Inc., are hereby made parties to this proceeding.[8]

It is further ordered that all further procedure herein shall be in accordance with the rules of practice.

It is further ordered that the issues involved herein shall be limited to the question of whether or not the mail-rate orders referred to herein should be made subject to provisions for adjusting said rates to reflect gains and losses upon the retirement of property owned by the carriers named above, effective April 6, 1956, and the terms of such provisions: *Provided, however,* That any carrier may file an application stating that its rate is, or is likely to become, inadequate, and setting forth the reasons therefore, together with supporting documents, in which case the carrier's overall rate level, including all issues relating thereto, shall be considered open. Applications filed within 30 days of this order shall have the effect of reopening the overall rate level, as aforesaid, as of April 6, 1956, and applications filed subsequent to such 30 days shall have the effect of reopening such rate level as of the date when filed.[9]

It is further ordered that any issue, other than the issue of the treatment of gains and losses upon the retirement of property, shall be dealt with in separate proceedings.

It is further ordered that this order be served upon all parties to this proceeding.

By the Civil Aeronautics Board:

M. C. MULLIGAN,
Secretary.

Mr. Speaker, it may be helpful to those who wish to understand the issues involved in this proposal to have available also the report of prehearing conference. Consequently, I include it here:

UNITED STATES OF AMERICA,
CIVIL AERONAUTICS BOARD,
Washington, D. C.

CAPITAL GAINS PROCEEDING, DOCKET NO. 7902—REPORT OF PREHEARING CONFERENCE

Served July 3, 1956, upon:

Robert W. Oliver, 730 Southern Building, Washington, D. C., for Alaska Airlines, Inc., Central Airlines, Inc., Helicopter Air Service, Inc., and Mohawk Airlines, Inc.

Joseph D. Sullivan, 700 Woodward Building, Washington, D. C., for Alaska Coastal Airlines, Inc., Cordova Airlines, Inc., Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc.

Lawrence L. Stentzel, 122 East 42d Street, New York, N. Y., for Allegheny Airlines, Inc.

G. Robert Henry, Post Office Box 391, Las Vegas, Nev., for Bonanza Airlines, Inc.

H. A. Schneider, 815 15th Street NW., Washington, D. C., for Braniff Airways, Inc.

Clyde S. Carter, 1701 K Street NW., Washington, D. C., for Continental Airlines, Inc., Reeve Aleutian Airways, Inc., and West Coast Airlines, Inc.

Harry A. Bowen, 408 Wyatt Building, Washington, D. C., for Frontier Airlines, Inc.

George C. Neal, 805 15th Street NW., Washington, D. C., for Hawaiian Airlines, Ltd.

A. L. Wheeler, 817 Warner Building, Washington, D. C., for North Central Airlines, Inc.

John H. Slate, 551 Fifth Avenue, New York City, N. Y., for New York Airways, Inc.

Herbert L. Berman, 10 Post Office Building, South Boston, Mass.

Gerald P. O'Grady, 1011 Cafritz Building, 1625 I Street NW., Washington, D. C., for Pacific Northern Airlines, Inc.

Gerhard A. Gesell, 701 Union Trust Building, Washington, D. C., for Pan American-Grace Airways, Inc.

John C. Pirie, 135 East 42d Street, New York City, N. Y., for Pan American World Airways, Inc.

Cecil A. Beasley, Jr., 912 American Security Building, Washington, D. C., for Southern Airways, Inc., and Piedmont Aviation, Inc.

Howard J. Thomas, 411 Elg Building, Silver Spring, Md., for Southwest Airways Co.

Vincent L. Gingerich, Citizens Bank Building, Takoma Park, Md., for Trans-Texas Airways.

Arthur S. Present and Chris E. Steier, Bureau Counsel, Civil Aeronautics Board, Washington, D. C.

Exceptions, if any, to the matters contained in this report must be filed with Examiner Paul N. Pfeiffer and served upon all counsel within 5 days from the date of service shown above.

REPORT OF PREHEARING CONFERENCE HELD JUNE 18, 1956

Pursuant to due notice of the chief examiner, a prehearing conference in the above-entitled proceeding was held on June 18, 1956, at 10 a. m. (eastern daylight saving time), in room 1512, temporary building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before the undersigned hearing examiner.

The following persons entered appearances:

Robert W. Oliver for Alaska Airlines, Inc., Central Airlines, Inc., Helicopter Air Service, Inc., and Mohawk Airlines, Inc.

Joseph D. Sullivan and Theodore I. Seamon for Alaska Coastal Airlines, Cordova Airlines, Inc., Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc.

Hamilton O. Hale, Lawrence L. Stentzel, and Walter J. Short for Allegheny Airlines, Inc.

G. Robert Henry for Bonanza Air Lines, Inc.

H. A. Schneider for Braniff Airways, Inc.

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[4] In such cases, all issues other than those specifically encompassed in this proceeding will be treated in separate mail proceedings, in conformance with established mail rate practice. The rules of practice relating to documents filed in such cases, including those relating to petitions, may be used as a general guide to the preparation of applications under this order.

[5] This order is not intended to disturb the service mail rates established under Reorganization Plan No. 10 of 1953.

[6] While we have framed the issues broadly to include all types of property, our chief concern is with retirements of flight equipment. The question as to the types of property to be included in the rate adjustment provisions will, of course, be one of the issues in this proceeding.

[7] While this order does not affect the section 406 rate established for Braniff's domestic division, it does embrace the question of adjustment of the international division's subsidy rate order to reflect property retirements over the carrier's entire system.

[8] The rates for these carriers are already open.

[9] Nothing herein is to be construed to prevent the Board from reopening any carrier's overall rate level, including all issues related thereto, effective on the date of the order reopening such rate level.

C. Edward Leasure, H. F. Scheurer, and Clyde S. Carter for Continental Air Lines, Inc., Reeve Aleutian Airways, Inc., and West Coast Airlines, Inc.

George C. Neal for Hawaiian Airlines, Ltd.

James G. Ray and A. L. Wheeler for North Central Airlines, Inc.

John H. Slate for New York Airways, Inc.

Herbert L. Berman, Henry E. Foley, and Clarence I. Peterson for Northeast Airlines, Inc.

Gerald P. O'Grady for Pacific Northern Airlines, Inc.[1]

Gerhard A. Gesell for Pan American-Grace Airways, Inc.

John C. Pirie for Pan American World Airways, Inc.

Cecil A. Beasley, Jr., for Southern Airways, Inc., and Piedmont Aviation, Inc.

Howard J. Thomas for Southwest Airways Co.

Vincent L. Gingerich for Trans-Texas Airways.

Harry A. Bowen for Frontier Airlines, Inc.[1]

Arthur S. Present and Chris E. Steier for Bureau of Air Operations.

This proceeding was instituted by order No. E–10171, adopted April 6, 1956, which order opened the mail rates of all subsidized carriers effective on the same date for the purpose of considering the question of the proper treatment of gains and losses upon the retirement of company property. The reopening was subject to the right of any carrier, at its option, to raise the issue of its overall mail-rate level at any time during the course of the proceeding by formal application under section 406 of the act. The issues in this proceeding were limited solely to the question of the proper treatment of retirement gains—other issues such as rate of return, selling expense, operating revenues, service lives, and residual values of aircraft could be raised by any air carrier party by formal application, accompanied by supporting data, within 30 days of the service of the order, or else it would be considered waived so far as this proceeding is concerned.

In accordance with the latter provision of the order, on May 7, 1956, Helicopter Air Service, Inc., Central Airlines, Inc., and Southern Airways, Inc., filed petitions for the adjustment of overall final mail rates, and were assigned Docket Nos. 7996, 7997, and 7998, respectively.

At the opening of the conference the scope of the issues in the proceeding was discussed. Bureau counsel indicated that the object of the case would be the development of a formula to account for retirement capital gains, and not the actual dollar amount of recapture, amortization, or offset applicable to each carrier. After considerable discussion he conceded that a result of this proceeding could be the issuance of 33 different orders accounting for capital gains of each subsidized carrier differently, depending upon the particular need of such carrier for capital gain retention as may be established in this proceeding.

Mr. Oliver raised the question as to whether consideration of capital losses as well as gains was in issue in the proceeding. Bureau counsel agreed that it was.

Mr. Neal desired consideration herein of the question whether the Board's failure to underwrite the Convairs operated by Hawaiian Airlines may be considered in connection with that carrier's need to retain capital gains on the sale of its DC–3's. Bureau counsel agreed to the inclusion of this issue.

Messrs. Oliver and Henry requested that consideration be given herein as to whether depreciation on aircraft was or was not earned so as to affect the net book value of aircraft sold, the contention being that the carrier should be charged only with capital gains computed on the basis of earned depreciation.

Mr. Oliver indicated that a motion would be filed to dismiss the proceeding on the ground that the Board has no power to open up only one element of a carrier's mail rate for consideration of capital gains recapture purposes without thereby opening up for consideration the need of the affected carriers under all the elements of mail rate making under section 406 of the act.

A lengthy discussion then ensued as to whether the need of each carrier to retain capital gains for operational as well as legitimate capital purposes was a proper consideration within the issues of this proceeding as limited by the Board order instituting same. Counsel for several of the carriers maintained that, for example, the need of a carrier to retain capital gains for the purpose of utilizing same to increase schedules on a particular segment of its route was a proper consideration. Counsel for Braniff urged that consideration be given to the retention of capital gains for the purpose of building a new maintenance base. After considerable debate it was ruled that evidence will be received bearing on the need of the carrier parties for retention of capital gains for legitimate capital purposes—for example, the purchase of new equipment, construction of maintenance bases, etc.—but that evidence relating to their need to retain capital gains for ordinary operational purposes, e. g., to increase schedules, increase selling expense, or schedule expansion to meet foreign competition was not within the scope of this proceeding, but may be raised by those carriers so desiring by reopening their mail rate in toto through an appropriate petition under section 406 of the act so as to consider the need of each carrier for funds to provide honest, economic, and efficient operations over its routes as required by the public convenience and necessity.

It was also ruled that within the scope of the issues herein would be consideration of whether the recapture, amortization, or offset (whichever theory is adopted) would be partial or full, depending upon the showing of each carrier's need for retention, in whole or in part, for legitimate capital purposes.

It was agreed by Bureau counsel and the air carriers concerned that there was no substantial difference between the status of the three carriers, Helicopter Air Service, Southern Airways, and Central Airlines, which filed objections in this proceeding and thereby reopened their overall rate level, and those other carrier parties which may be on so-called "open" mail rates at the present time. Bureau counsel stated in his brief that the final order in this proceeding would amend all existing rate orders, effective as of April 6, 1956. For those carriers still on open rates, the final order herein would be a factor in whatever final decision is rendered in such separate mail-rate proceeding.

Bureau counsel stated that he is considering the presentation of two alternative plans which, as a part of his affirmative case, would be described in greater detail at the time of exchange of information. The first plan generally involves immediate annual recapture of capital gains. The second plan involves amortization of the capital gains over the life of the new equipment or other property purchased, a legitimate period being the life of the principal mortgage on newly acquired property. The Bureau will not at this time propose any plan to offset such capital gains against the purchase of new property, but reserves its right to do so or revise its position in any other manner after all the evidence has been introduced. The examiner indicated that in the event the final position of the Bureau was withheld until after the close of the hearing, the Bureau would be required to file its statement of position or brief in advance of the briefs of other parties so as to comply with the requirements of adequate notice.

With respect to capital losses, the Bureau proposes that there would be no reimbursement of the carriers for capital losses, but that such losses may be offset against future gains through a carrying-forward process.

The carriers did not set forth the position that they would take in the proceeding, except that there was a suggestion that the issue of offsetting capital gains against the cost of future purchases for depreciation purposes may be advocated at a later date.

An opportunity was given all parties by the examiner to consider adjustment of the dispute along middle grounds, but no party showed any inclination toward instituting settlement negotiations at this time.

Mr. Schneider, representing Braniff, objected to the stipulation proposed by the Bureau, and the examiner indicated that official notice would be taken of the matters contained in that stipulation to the extent that the law allows, with the understanding that the matters to be officially noticed must be set forth by the parties formally either at the hearing or in their briefs.

The parties agreed to comply with the Bureau's information requests, in the amended form set forth in appendix A.

Mr. Oliver indicated that he would file a motion to dismiss the proceeding on the legal grounds previously advanced, and he, as well as other parties joining in the motion, were granted until July 2, 1956, for the purpose. A subsequent request for extension to July 12, 1956, is hereby granted.

In the event that legislation affecting the issues in this proceeding which is now pending is passed by the Congress at the present session, the prehearing conference will be reconvened.

A matter that was not discussed was which side of the issues has the burden of going forward with the evidence. Since the Bureau of Air Operations is the proponent of a new rule in this proceeding, it will bear the burden of going forward with the evidence in accordance with section 7 (c) of the Administrative Procedure Act. (For House and Senate committee reports bearing on this subject, see pp. 207–208, 269–271 of S. Doc. No. 248, 78th Cong., 2d sess., printed July 26, 1946.)

All testimony should be reduced to writing and circulated at least 48 hours before the sponsoring witness is called to the stand.

Procedural dates were established as follows:

Exchange of information, July 16, 1956.

Exchange of direct exhibits, September 10, 1956.

Exchange of rebuttal exhibits, October 15, 1956.

Hearing, tentative, in Washington, D. C., November 14, 1956.

PAUL N. PFEIFFER,
Hearing Examiner.

[1] Appeared informally by communication to the examiner.

APPENDIX A

MATTERS TO BE OFFICIALLY NOTICED

1. All monthly, quarterly and annual reports filed by the United States certificated carriers with the Board, beginning January 1, 1939, together with all written communications between the Board and the carriers with respect to such reports.

2. All official schedules and tariffs filed by all United States certificated carriers with the Board and the Official Airline Guide.

INFORMATION REQUEST

The following information needed by Bureau Counsel for the preparation of his case is requested of each party:

1. A statement setting forth:

(a) The amount of long-term debt, including debenture issues, outstanding as of

December 31, 1944, together with the terms of repayment.

(b) The amount of each long-term loan floated from January 1, 1945, to date, together with the date of borrowing and the terms of repayment.

(c) A schedule of the dates and amounts of repayment of each loan referred to in paragraphs (a) and (b).

(d) The net dollar amount of new common stock or preferred stock capital raised during the period January 1, 1945, to date, with the date of issuance.

2. A statement setting forth the following information regarding aircraft on order at the time this information is furnished:

(a) Type of aircraft.

(b) Number of aircraft and engines on order.

(c) Total purchase price on an aggregate basis of all aircraft, engines, and related flight equipment.

3. If the carrier has received firm commitments from financial institutions, underwriters, or others with regard to the financing of new equity or debt capital as of the date for furnishing information, furnish the following:

(a) The type of capital to be furnished (i. e., whether long-term debt, preferred stock or common stock).

(b) The total amount committed by type of capital, less any amounts previously drawn down, together with the date or dates on which the capital will become available.

(c) With respect to long-term debt, give the terms of repayment, except for interest rates.

The carriers are to supplement the record from time to time up to time of closing the hearing with respect to the information requested.

GAINS IN NATIONAL DEFENSE UNDER EISENHOWER ADMINISTRATION

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. WILSON] is recognized for 60 minutes.

Mr. WILSON of California. Mr. Speaker, it is almost 15 years since the attack on Pearl Harbor. That day, December 7, 1941, has been called a day of infamy in American history. We were caught unready and unprepared. Yet, if Pearl Harbor was a day of infamy, then the year 1950 was a year of tragedy, for it was in 1950, just six years ago that we were again caught napping, unready for the war in Korea.

A group of us here in the House of Representatives has been concerned about our military or defense posture today. We are not military experts, but we have to make decisions affecting our military strength, so we have been examining our military program—have been asking critical questions about the state of our preparedness. We have endeavored to search out the facts, to separate them from the fancy, and now are ready to come up with a factual report on the state of our preparedness today.

Of course, this is an election year, and the political winds have been blowing in monsoon proportions at the other end of the Capitol. All manner of questions and doubts have been raised in the other body as to our military strength. There has been what the San Diego Union in my district called recently "so much public suffering."

Now I would be the last to deny that our report today on military posture has its own political overtones. We, as Republicans, are proud of the gains that have been made under the Eisenhower administration. We are particularly proud of the improvements in our military strength. Hence, the desire on our part to spell out these gains today.

It seems to have been the pattern in recent months, at the other end of the Capitol, to compare certain elements of our military strength with similar elements of Soviet military strength. As President Eisenhower said recently, in a press interview:

> I repeat again and again the strength of America is not just to be found in a guided missile or bomb, no matter how big, or in the airplanes, it is in everything.

Consequently, a few of us will attempt this afternoon to outline our military strength, not just a comparison of our air power versus Soviet air power, our Navy against the Russian navy, but of our overall total defense posture. Since this is the sixth year anniversary of our entry in the Korean war, why not compare our strength today with our strength of 1950. Let us compare how we stand in our research and development program in 1950 and now, in our striking power, in our mobility readiness. Let us compare the period of 1950 with 1956, as it relates to the strength of our Allies, the power of our industrial facilities, and our whole mobilization requirements. I believe it is entirely fair and proper for us to use these two years, 1950 and 1956, as comparisons. We must know today if we are making the same mistakes that were made before Pearl Harbor and before Korea. The possibility exists, and we must all face it, that the carousing madmen in the Kremlin might very well touch off another terrible conflagration. We must not be caught short again.

Nineteen hundred and fifty was a Truman year—1956 is an Eisenhower year. That we all know. And the obvious answer to a question on comparative strengths of those 2 years is that we are infinitely better prepared today, from the standpoint of weapons in being, weapons on the drawing boards, weapons in the testing stage. In all fairness, we must point out that, having been caught short the second time in Korea, we made an immediate start to rebuild our strength. Some of the weapons, some of the programs, that give us strength today were planned and ordered in the 2 years of the Truman administration, when we were at war in Korea.

Research time, development time, lead time being what they are, we can be thankful that the start was made then—in 1950—to rebuild our skeleton military forces, and to recognize the fundamental point made by General Washington when he said:

> If we desire to be secure—it must be known that we are at all times ready for war.

At the end of World War II, we had been the strongest nation the world had ever seen. Yet, year after year, following World War II, we saw deeper and deeper cuts, not only of the military fat but of the muscle, the very sinews of our military strength, until we faced Korea in 1950 as a second-rate military nation.

It gives me pride in our Republican leadership to recall that the Republican 80th Congress tried to call a halt to the clipping of the wings of our Air Force. Under Defense Secretary Louis Johnson, our huge Air Force was ordered cut down to 48 wings. The Republican 80th Congress, not only authorized, but appropriated the money for a 70-wing Air Force. Harry Truman vetoed this authorization. The 80th Congress overrode Truman's veto and insisted on a 70-wing Air Force. Harry Truman refused to spend the money.

Two short years later we went into Korea with obsolete airplanes and air strength insufficient to carry out our military mission.

One of the harshest critics of our defense posture today was in 1950 the civilian head of our air arm and had been for 4 critical years, when our Air Force grew progressively weaker. It is interesting to examine some of his statements in 1950 and compare them with his attitude today. Just 14 weeks before the invasion of Korea, on April the 12th, in Macon, Ga., the then Air Force Secretary said:

> All of us must work together unceasingly to solve the problem of financing the bare necessities of military security, both at home and abroad, without wrecking our national economy in the process.

A little later, he said:

> We must not repeat our past error of trying to build as much as possible of everything that might conceivably be used in any future war. We must concentrate instead on the real necessities and only those necessities, because that production in itself will heavily burden our national economy and resources. Nothing should be bought or built except against the war plans established by our military leaders and approved by higher authorities.

That last line is a little ironic—"Nothing should be bought or built except against the war plans established by our military leaders and approved by higher authorities," for in recent weeks we have seen the man who made this statement in the forefront of those urging the billion-dollar increase in our Air Force for B–52 bombers, urging the increase over the objections of the National Security Council, the Joint Chiefs of Staff, the Secretary of Defense, the Secretary of the Air Force, and others entrusted with the military decisions of today.

In that same speech, shortly before the Korean invasion, he said this:

> If you ask, "Is there to be a war?" my personal opinion is "No" provided America remains strong.

He also went on to say:

> If America is prepared, those so foolish as to attack us will be destroyed, so we must be strong to stay secure, and we must be secure to stay free.

With the latter part of his statement, I find full agreement. That is the theme of our report today, for in comparing our air strength of 1956 with our air strength of 1950, the obvious improvement is both reassuring and heartening.

Today's Air Force has three times the combat wing strength of 1950 which was

42. This year we reach our goal of 126 combat wings, plus 11 support wings. They are modern, full-strength wings. In 1950 we were operating nine carrier air groups. At the present time we have 17 naval air groups, each of which has a striking potential far above the total naval striking power we had at the time of Korea.

General Twining pointed out not long ago that just one bomber today can unleash more explosive force than all the bombs dropped in all of World War II. Many of our wings are comprised of the fast B–47 jet bombers that can go anywhere in the world by means of refueling from our modern tanker fleet.

Our B–52 wings are now becoming operational to replace the workhorse B–36's. The bomb bays of just one B–52, manned by 6 men, can carry an explosive force greater than that of a million B–17's of World War II, manned by 15 million airmen, carrying bombs of TNT, bombs of the type used in the European conflict. As our able Secretary of Defense Charles E. Wilson said recently, the striking power of our Air Force and modern weapons is "so large that it almost defies the imagination."

To me, the most significant difference bewteen 1956 and 1950 is the stability that has entered our defense picture. The armed services of this Nation in the last 20 years have been subjected to feast or famine. The Eisenhower administration has put an end to the feast or famine. There has been a steady, carefully planned, and carefully executed build-up of our military might.

I represent a great military area, San Diego, Calif., headquarters for many Navy commands and a manufacturing center for aircraft and guided missiles. I saw what happened after World War II, when we mothballed our fleet, closed down our installations, cut out our aircraft production. San Diego was almost a ghost city at the height of the Louis Johnson era. We were listed as a critical unemployment area. Well, the Navy is back in business today—and the aircraft factories are humming again—not humming at double-time rates for nights and Sundays, but humming because of an aircraft procurement program that makes sense, spreading out the contracts over the years ahead so that we can keep our Air Force and Navy air arm completely modernized as the years roll by, and still be able to pay the bills. Yes—we've put an end to the feast or famine—and that in itself is a very real military accomplishment.

Attempts have been made in recent years and months to build up one arm or other disproportionately, without taking into consideration such related factors as impact on the economy, proper training of personnel to operate the advanced equipment and similar problems. Today's policy of stability is a result of the considered judgment of the President, the Cabinet, the National Security Council and the Joint Chiefs of Staff.

I was pleased last year to hear our distinguished and beloved chairman of the Armed Services Committee, the Honorable CARL VINSON, say:

> The American people should rejoice in the knowledge that the days of valleys and peaks, of feast and famine, are over.

It is safe to say that when we compare our striking force of today with our weaknesses of 1950, we should be encouraged by the vast improvement. We are strong. We have a strong Air Force, a strong Navy, a strong Marine Corps, a strong Army and we must continue to build their strength. We must continue to take inventory of our national security, to evaluate its needs and to see that we do not go down for the third time to the inevitable defeat that will be our destiny if we are caught unready and weak.

I hope that, in our generation, we shall never need to use the strength that we possess and will continue to possess if today's policies are continued. With all this force, we shall never become the aggressor, but this force could very well prevent aggression against us. As Secretary Wilson said in March this year,

> The real fundamental is this: the tremendous deterrent power in military forces today. We have today, and we will have for the foreseeable future, the capability of inflicting vast destruction upon any aggressor anywhere in the world. This capability cannot be thwarted—a retaliatory force of vast proportions can be applied regardless of a massive surprise attack on our country, and regardless of defensive measures of the aggressor. This fact is the key deterrent to war. No recent development and no foreseeable development will basically change this situation.

I have made no attempt today to discuss a field that has captured the fancy of this Nation, the field of missiles, guided missiles, ballistic missiles, subsonic and supersonic missiles. I should like to discuss a comparison of the hopes of 1950 with the realities of 1956 in this important field. But first I think we should have a comparison of the more conventional methods of waging war. What was the strength of our military and our Navy in 1950? What weapons were available? And what weapons do we have at hand today?

Mr. Speaker, the quality of our weapons and the strength of our fighting forces are of course the main elements of our defense posture. One of our colleagues is prepared today to discuss our present comparative military might with that of our pre-Korea days. In yielding the floor to Congressman HOSMER, I would like to point out that he is admirably qualified to discuss this subject, having spent 6 years in World War II in every major theater of naval operations. As skipper of a Navy assault transport, his wartime experiences include many contacts with the enemy, in one of which encounters his ship was sunk in the South Pacific. In addition to his congressional activities, he is a commander in the Naval Reserve.

I yield to our distinguished colleague, CRAIG HOSMER, of California.

Mr. HOSMER. Mr. Speaker, President Truman on June 1, 1950, told his regular press conference that the world was closer to peace than at any time during the previous 5 years.

Before the end of that same June in 1950, an Asiatic horde, armed to the hilt with Russian weapons and heavy tanks, trained by Communist officers, overran the free Republic of South Korea.

On July 1, 1950, according to official records at the Pentagon, the United States managed to have just 540 men of the 24th Infantry in Korea to help the free ROK Forces. The Navy had 1 officer, 3 enlisted men, plus a small Marine guard at the United States Embassy.

By July 17, exactly 6 years ago Tuesday, the first amphibious landing was completed successfully by American forces on the west coast at Inchon. By the end of the month, under the flag of the United Nations, we had 52,000 troops in South Korea to fight the Communist aggression. By August 2 the entire 1st Marine Division was in Korea.

We hardly need be reminded, on this sixth anniversary of the Korean outbreak, of some of the events in Korea prior to the invasion.

Although the United States gave generously to the new Korean Republic—$523 million to be exact—only $56 million was in military aid. This aid consisted of an assortment of small arms and ammunition suitable for police action, mostly surplus equipment left behind when the American occupational forces withdrew in 1949. These included 40,000 Japanese rifles, some 100,000 small arms, 2,000 bazookas, and quite an assortment of light artillery—but nothing very effective against the steel walls of a Russian heavy tank.

This, I am sorry to say, was the American-Korean situation 6 years ago today. In fact, on July 18, 1950—6 years ago yesterday, an illustrious Member of this House, our colleague from Minnesota, Dr. WALTER JUDD, an expert on Asiastic affairs, stated:

> For the first 3 years after V–J day, we refused to train and develop armed forces to defend South Korea, although we knew the Russians were feverishly developing large forces in North Korea and had large and experienced units made up of Koreans across the border in both Siberia and Manchuria. We were, as usual, perfectly correct and proper—and weak.

That statement pretty well defines our overall defense posture at that time.

Despite President Truman's prediction of "peace in our time" as of 1950, he should have paid attention to Dr. JUDD who on January 19, 1950, asserted on the floor of the House:

> I am willing to predict, although I shall take this remark out of the RECORD, that Korea will be overrun and our money will probably be lost.

What was our policy toward our friendly ward on the coast of Asia? Perhaps Prof. Owen Lattimore spelled it out in an article published on July 17, 1949, wherein he said concerning pending legislation for Korean aid:

> The thing to do, therefore, is to let South Korea fall, but not let it look as though we pushed it. Hence, the recommendation of a parting grant of $150 million.

Mr. Lattimore was, at that time, some sort of consultant to the State Department and many stalwart American citizens are still not satisfied on which side Dr. Lattimore was playing.

This much I know, because it is a matter of record:

> Of the $10,230,000 earmarked for Korea in the military assistance bill signed by President Truman October 28, 1949, only $200 in signal wire had been delivered when the war began on June 25, 1950.

Now let us contrast that posture of 1950 with that today when all aggression into territory of the free world is stalemated.

The head of the allied forces in Europe held a press interview in Paris on the last day of this May. At that time, the Wisconsin-born General Larry Norstad said:

We are here to defend ourselves—never to attack anyone first—and I would make no apology for what weapons we use.

The Russians do not have to speak English to understand his meaning. Under Eisenhower, the United States means business and aggression will be met by as much defense as is required to stop invasion in its tracks. That is indeed a contrast to the Truman-Acheson policies that failed in 1950.

The world at large knows that atomic cannon are in place at advance outposts of the free world, but it does not know what such a device means when used in tactical defense.

The Pentagon has been questioned on this point and has answered officially. It is, I believe, the first time that the devastation of such shells has been explained in terms that ordinary folk can understand.

The question was:

Contrast the devastating effect of a standard artillery shell and an artillery shell armed with atomic warhead.

The answer was:

A 280-millimeter shell with an atomic warhead, equivalent to 20,000 tons of high explosives, has been tested. The explosion from such a shell would produce thermal radiation, gamma radiation, and blast. For troops in the open, the thermal effect would have the longest range. The thermal effect from such an airburst weapon under normal weather conditions would produce 50 percent fatalities among exposed personnel at ranges up to slightly more than a mile from the point of burst; all other exposed personnel within the 1-mile range would receive third-degree burns. In contrast, a 105-millimeter howitzer shell, quick-fuzed, could be expected to cause 50 percent casualties (not necessarily fatalities) over an elliptical area about 15 yards deep and 50 yards wide, centered on the point of burst. The comparable ellipse for a 155-millimeter howitzer shell would be about 18 yards by 60 yards, and for an 8-inch howitzer shell about 20 yards by 80 yards.

These howitzers, particularly the 155-millimeter, were in common use in Korea. Taking the above contrast, we can figure that about 2,000 Korean shells of that size—just 6 years ago—would inflict about half of the damage in terms of casualties that one tactical atomic shell will produce today. One hundred atomic shells would level the District of Columbia.

Concentration of troops is a war maneuver of the past. Today's warfare will be dispersed over a wide terrain. Today, our ground troops in the Army and Marine Corps are prepared for dispersal with their new methods of "vertical drop" from helicopters and by parachute.

I am not at liberty to give a measurable description of our new weapons systems with their new explosives, new rockets and missiles, nor can I give in detail an account of our mobility readiness to slap down aggression the moment it appears anywhere along the borders of the free world from here to Pakistan, traveling east or west.

I can say, however, that the death-and-destruction-strength per man in today's armed forces is many times that of a combat man in 1950. Therefore, when Monday morning quarterbacks come up with comparisons and decry the streamlining of our Armed Forces, just keep in mind the difference between that Korean howitzer shell and an atomic-headed missile.

And, while I mention missiles, let me repeat another question directed to the Pentagon, and I believe this answer also is news to the American people.

It was asked:

Has the lead time shrunk for the Inter-Continental Ballistics Missile, guided missiles and nuclear air propulsion? Are such projects nearer than once thought?

The answer was:

The projected lead time for the ICBM, guided missiles and nuclear air propulsion has shrunk, and it is considered that these projects are nearer than once thought.

The ICBM is the so-called ultimate weapon which, once in place and aimed, can be sent on its way through space at the press of a button. Each missile can be as deadly and destructive as the load carried today by one B–52 world-range bomber.

In World War II, the United States Air Forces dropped 2.7 megatons of high explosive bombs. The warhead on today's one bomb is "far greater than this," if I may use a quotation from a Department of Defense publication.

Another comparison of interest to those evaluating our national defenses is the matter of airplane speeds.

We began our fighting in Korea with Mustangs which could reach 400 miles an hour. We ran into MIG's which flew rings around these "Symington Specials". We knocked the MIG's out of the sky with Sabre Jets which do better than 600 miles per hour. Today's Supersabre has a speed record of 822 miles per hour. That is a fighter now in use.

We used the World War II B–26 bomber in Korea and it droned along at 370 miles an hour compared to the Navy's carrier-based light bomber of today which does better than 750 miles per hour.

Now, let us turn to the operating forces, the "cutting edge" of our military might.

This force now is maintained at a level of 1 million men above that of pre-Korea—both days of frigid peace, if we can call it peace.

Our overall military strength is double the force maintained before Korea.

Our Army is at its Korean strength and double that of pre-Korea. We have more than double the antiaircraft battalions of pre-Korea and treble the amount of Army support aircraft. Today, we have 20 divisions of troops in our Army, 126 antiaircraft battalions and 3,378 army aircraft.

When Korea was invaded, our Navy had 237 combatant ships compared to 403 on the high seas today. We then had 9 carrier groups with propeller jobs on the flight deck. Today, we have 17 carrier groups and planes jet propelled from catapults. Antisubmarine squadrons grew from 7 to 19, fleet combat squadrons—patrols, mine sweepers and the like—from 24 in 1950 to 47 today. Naval aircraft increased in numbers from 9,099 to 12,598 today.

Our Air Force Wings at the Korean invasion numbered 48 and many of the planes were obsolete. Today, our Air Force Wings total 131. The inventory of Air Force aircraft rose from 12,572 on Korea Day to 24,840 at the opening of 1956.

Since President Eisenhower took office, the greatest change in personnel numbers has been in the overall Army which has dropped 450,000 since June 30, 1953. The growth of the ROK army to the third largest in the world, and the creation of a Japanese Defense Force, permit us to keep some 288,000 troops at home, but we also were able to cut the continental forces within the United States, mostly because of lessened training and transit needs.

At the same time, our Ready Reserve is far ahead of postwar years.

Now, let us return to some further description of the military services as they operate today.

When President Eisenhower took office, only 59 percent of those in the Army were up where the shooting was. Today, 70 percent will operate effectively as combatants. That's efficiency.

We have five divisions in Europe, three in the Far East, and 1 Army division each in Hawaii and Alaska. Also, there are 9 divisions in the United States of which 2 are armored and 2 are airborne and another 2 are on station with antiaircraft defense. This force at home must be ready—and is indeed ready—to aid the populace in case of atomic attack or to repel invaders even with the use of tactical atomic weapons. This entire force, both at home and abroad, can move with astounding speed to any spot where an aggressor appears.

One of the Army's greatly improved weapons is the rocket launcher. It took a battalion of 620 men to handle a battery of 18 cannon, size 105 mm in Korea.

Today only 236 men are needed for the much faster "Honest John" with 4 launchers while only 248 are needed for the battalion of 3 "Corporal" launchers.

That is a great saving in manpower, upkeep, maintenance, and a tremendous gain in firepower because the launcher can be used for nearby, broad-front attack or for distances not reachable with artillery.

Our Navy announced in last Sunday's newspapers that its new ship-launched atomic missiles, now in the making, will hit any target within nine-tenths of the vast Communist domains of Europe and Asia. This missile, the Jupiter, ranges 1,500 miles, has a high degree of accuracy, and can be launched from a submarine or surface ship.

While Jupiter missiles and ships are not now in being, 10 other missile-launching ships can deliver today the Regulus missile over a range of 500 miles with atomic or hydrogen warhead. Missile cruisers, convoying aircraft carriers at some distance, can put up effective

protection against high-flying enemy aircraft above the reach or range of cannon.

One member of the Eisenhower team, and one of our truly great Secretaries of the Navy, Charles S. Thomas, says:

> We now have the most powerful Navy in the world. * * * Its main offensive force is built around airpower. * * * We need permission from no one to take these mobile airbases any place on any part of the earth's surface that is seawater. Their top speed of almost 40 miles an hour, their 1,200 watertight compartments, make them almost invulnerable to submarines. In this day of ballistic missiles, carriers will not be targets for long-range missiles, which must necessarily follow a fixed trajectory.

As for our 1956 Air Force, Gen. Nathan F. Twining said:

> All fighter units of the Air Force are now jet equipped. By the end of this fiscal year, all of our combat units will be jet equipped, except for heavy bomber and tactical reconnaissance wings. * * * One of our B–47's has flown 21,000 miles nonstop. Two of our medium bombers have flown from Georgia to Europe and back without stopping.

Mr. Speaker, in question and answer form I want to bring out a few more important and significant comparisons between our defense posture as of 1950 compared to today.

Question. Contrast equipment of individual infantry soldier, 1950–56.

Answer. The most significant items standardized during the above period for the individual infantry soldier are body admor and the insulated boot.

Question. List advances in armor and related mechanical items for same period.

Answer. In the tank field, much progress has been made in improving engines, transmissions, suspensions, guns, and fire control equipment. A family of air-cooled engines was introduced for all tanks, which provides for standardization of components and accessories and for decreased weight through elimination of liquid cooling. Effective thickness of armor has been increased through redesign of hull shape. Velocities of 90 millimeter guns have been increased to give greater armor penetration, and improvement in fire control equipment permits greater accuracy and possibility of first round hits.

Question. Contrast quality and performance of 1950 fighter and ground support aircraft and today.

Answer. There has been considerable improvement in the overall combat capability of fighter and ground support aircraft since 1950. Maximum speeds have increased from high subsonic to supersonic for many combat aircraft; combat radius, rate of climb, and altitude have been substantially increased. The ground run for almost all aircraft has been reduced, relieving the critical runway requirement. In-flight refueling is now standard on most aircraft.

Firepower of all aircraft has increased with both conventional and nuclear weapons. New bomb delivery techniques have been developed; navigation aids and fire-control equipment have been greatly improved. Equipment such as ejection seats, pressure cabins, anti-G suits, and survival gear is allowing humans to keep up with the advances of modern aircraft.

Following are maximum speeds of certain aircraft operational in 1950, as opposed to maximum speeds today:

	Miles per hour
1950:	
F–51	400
B–26	370
F2H–2	600+
AD	270+
Present:	
F86F, H	600+
A4D Carrier	750+
F7U–3	700+
FJ–3	650+

Question. Contrast the firepower delivery of a missile cruiser with that of a standard heavy cruiser.

Answer. The heavy cruiser is unable to cope with high-flying jet aircraft, because its antiaircraft guns are ineffective against high-altitude aircraft and because the modern bomber with its large-yield weapon can release its bomb before it even comes within range of the guns.

The new guided missile cruisers, *Boston* and *Conberra*, are equipped with two twin launchers which can launch over eight Terriers per minute. The Terrier is effective against both fast and high-flying aircraft. Thus, these ships are a big improvement over the old cruisers against this new threat. Although this new capability has the effect of reducing the surface fire power by about 50 percent, it is felt that these assignments can be covered by aircraft.

As a member of our Armed Forces Reserve, and also as a Member of Congress, I am proud indeed of this progress in the Nation's defenses made under the great American leader who put together the forces that conquered Hitler's Europe, who formed the alliances and commands of NATO, and who today as our Commander in Chief assures us that we have the armed means to assure the peace and to keep the peace, not only in our land, but as well throughout the free world.

To those critics of the election year variety who complain about an alleged weakness in the Nation's defenses, if there is indeed any weakness, it is only of the kind that has allowed peace and prosperity to invade the country.

Mr. Speaker, I include at this point in the RECORD an address by Carter L. Burgess, Assistant Secretary of Defense for Manpower, Personnel, and Reserve, given before the Washington Chapter of the VMI Association on February 14, last:

> I came over here tonight to talk to you about some of our programs, and some of our problems, in the Department of Defense. I want to say that it will always be a privilege to talk to an audience such as this which takes a serious and knowledgeable interest in such matters.
>
> The Department of Defense has been on the front page a great deal of late. And perhaps that's the understatement of the evening.
>
> I know you are all familiar with the situation. And it could be that by now a faint suspicion has sprouted in your minds—as it has in mine—that much of the recent criticism has proceeded from concerns dealing with particular situations that fit this particular year.
>
> Speaking frankly, a great deal of the current comment has seemed to me to be overly extreme. Unconstructive criticism and part time, part of the story blasts, can be harmful to the best interests of this country, and can lead to serious doubts and confusion in the public mind.
>
> Those not allied with us in the search for a free world would like nothing better than to see such a development. Who else would reap any benefit if we were to become lost in confusion and recrimination, failing to take proper counsel among ourselves, and failing to keep constantly in mind the need to work together?
>
> We all know there is difference of opinion in a democracy. And we should recognize as well that this is one of our greatest assets—setting us off from the slave states where conformity is enforced by the firing squad, and where the party line is always infallible.
>
> But it has long seemed to me—and not only since I came to Washington—that where problems as vital as the life of the Nation are concerned, where it takes no special gift to imagine our fate if Russia were to overrun the world, we should be able to act in harmony as one people and subjugate personal and partisan attitudes to the common good. Defense is everyone's job.
>
> I know that the majority of the American people are intensely on the side of this approach.
>
> There are those of late, however, who have seen fit, for reasons unclear to me, to charge that today's leadership is deliberately attempting to reduce our military strength to dangerous levels, cut our forces below the safety point, and in general trade defense protection for budget dollars in the false name of economy. Others claim that we are far behind in the development of advanced weapons. Still others have gone so far as to intimate that political considerations have influenced vital defense planning. And so forth.
>
> I know it won't surprise you too much if I register a flat and emphatic disagreement with this type of opinion.
>
> I'd like to say, with all the conviction I can muster, that any contention that we are tearing down our ready strength, lagging in technology, and otherwise recklessly risking our security, is totally misleading and is not in accordance with the facts as they exist.
>
> What I'd like to do now is give you some balanced idea of where we actually stand today—and how the various parts of the defense picture fit into a coherent and protective unity.
>
> OUR STRENGTH TODAY
>
> First, let's take a look from the budget standpoint and with a few examples observe what America is spending today in support of an adequate defense program.
>
> Today's budget is in harmony with our long-haul effort, reflecting the scaled adjustments we made in getting down from the peak of Korea, and the sizable economies we have achieved from a determined effort to get the most for our money.
>
> In comparison with the burget before Korea, however, it affords an accurate index of a far more realistic outlook in coping with existing dangers. Back in 1950 and before, when we had ample evidence of an obviously growing military might in another area of the world, we were spending $12 billion a year on our total defense program. The figure for fiscal 1957 will be close to $35.5 billion, or almost triple.
>
> Today we have a double job at Defense—getting early results out of our present and projected programs and making up time for all of the things a $12 billion budget didn't do in the precious period that preceded Korea.
>
> In 1949 and 1950, we were spending around a half billion dollars annually for our entire program of research and development. We're

spending about $100 million more than that today for the Air Force alone. And for a total we are programing better than $1.5 billion for fiscal 1957.

In 1952, with Korea at its height, we were spending $169 million on guided missile research. In the fiscal 1957 budget this effort is programed at $1.7 billion.

In 1952 we were spending $476 million dollars on our Reserves. Today the figure is around $1 billion.

Of course, the expenditure of money alone does not constitute proof that real strength is being built. But let me assure you that it is, and that it is quite demonstrable at the present time.

Let's look at the picture from the standpoint of existing ready strength. First, however, let's ask this question. When you talk about a nation's strength in this age, are you talking about total numbers of people or are you talking about total striking power, total effective force arising from a vast complex of elements?

What I'm talking about is the latter, although it's not at all hard to point to plenty of organized manpower as well.

Our active forces today number around 2.9 million men, double what we had in 1950. But bear in mind that this is an active force armed and equipped with new and deadly weapons, and new concepts of warfare—a force in which it would be hard to estimate the extent to which destructive firepower has grown in immensity.

Today's Army at a standing strength of 19 divisions can hardly be compared with the Army that went into the Korean struggle with 10 divisions and rose to 20. The difference is in striking force, in firepower. And to this picture should be added Ready Reserves now in an active process of build-up geared to about 2½ times their highest point before Korea.

Today's Air Force has three times the combat wing strength of 1950, which was 42. At the height of Korea we had 99. Within a matter of months we shall reach our goal of 126 combat wings and 11 support wings, and here again you have to add the factor of tremendous technological progress—in advanced weapons, supersonic speeds and an advanced degree of proficiency.

This is an Air Force, as General Twining graphically underlined not long ago, in which 1 bomber "can unleash more explosive force than all the bombs dropped in World War II," and in which the Strategic Air Command constitutes the deadliest striking force in existence.

Back in 1950, further, we were operating with 9 carrier air groups. At the present time the naval air arm is composed of 17, each of which has a growing striking potential far above anything we had at the Korean level.

To this whole picture of a tightened, taut and ready force you have to add the great collective strength of our alliances with other free nations. Land, sea and air forces complement each other in what Admiral Radford has rightly called "balanced forces on a global scale."

Lastly I want to touch on the subject of missiles and advanced weapons in general.

If you want to, you can become the prey of wild speculation on this subject.

I think it will help the American people to keep their perspective, however, if they will closely heed the statement made by President Eisenhower only last week.

At his press conference on Wednesday, the President said that in certain fields of missile production the United States is ahead of Russia, while in other fields the Soviet Union probably had outdistanced this country.

Then the President went on to say that from the standpoint of the overall picture, the United States is doing all it possibly can to maintain a strong posture in the missile field.

As for myself, I consider the President's words most reassuring.

THE OVERALL PICTURE

Now let me sum up some of these ideas a bit.

Most of the controversy which has developed over Armed Forces policy today has resulted from the determination of the administration to stabilize our force levels and costs, and maintain that stability for what may be a good many years to come.

Today's policy was only arrived at after long and careful study by the President, the Cabinet, the National Security Council, and the Joint Chiefs of Staff. It was concurred in by such notable legislators as Congressman CARL VINSON, chairman of the House Armed Services Committee, who told Mr. Wilson a year ago:

"I think our allies should be greatly strengthened in their confidence with the knowledge that our Armed Forces stabilize at not less than 2,850,000 men for the indefinite future. They, along with the American people, should rejoice in the knowledge that the days of valleys and peaks, or feast and famine, are over."

The point which I have sought to underline is that we can no longer place our faith in mere numbers. In evaluating the effectiveness of our forces, we have to take into account the tremendous technological advances in weapons systems, and then multiply numbers of men times the weapons to be employed.

One heavy tank would have wiped out Alexander the Great's entire Macedonian Army. A host of men with outdated weapons is hardly equal to one man with a jet plane or an atomic cannon.

What we are doing with our Armed Forces today is adjusting to the technological realities of this day, and the "long pull" which probably lies ahead. To deduce from this that we are heedlessly taking risks with our security seems to me totally absurd.

In other words, it is dangerous to overlook the vast complex of factors which go into a nation's total defense capability, and instead, leap to unjustified conclusions on the strength of developments in only a single element of this complex.

In doing this, there is always the likelihood of oversimplification and distortion of the true picture.

During the coming fiscal year, our Armed Forces are going to continue to grow in striking power and effectiveness, not decline. The SAC is swiftly replacing the B–36 with the intercontinental B–52. The carrier force of the Navy will increase its combat power. Our continental defense system will grow in scope and effectiveness. Our air defense squadrons, already jet equipped, will receive substantial numbers of supersonic aircraft.

On the ground, our forces will achieve even greater firepower. More and more NIKE installations will replace standard anti-aircraft. A major share of the 1957 procurement program in all the services will be for more advanced weapons. And finally, by the end of fiscal year 1957, we expect to have our Reserve program rolling, with around 1.1 million men in an active drill-pay status.

What do all these demonstrable strengths add up to? If they actually add up to weakness, then I think we need a new set of military standards, and perhaps we need some new definitions.

What I believe they actually add up to is just what the President has time and again emphasized, and that is a military defense program designed for the indefinite future—a program which fully recognizes both the need to maintain adequate and balanced forces, but which also realizes that we could wreck our economy and our whole social order if we tried to match Communist forces on a man-for-man basis.

CAREER INCENTIVES

And now I recall that I mentioned areas in which we need to make a greater effort, and in the short time remaining to me I want to touch on two of them.

In the area of career incentives, we have been making genuine progress, but we need to make more.

The last session of Congress made increases in the pay and benefits of career and Reserve members of the Military Establishment by $1 billion—and the result has been a decided improvement in our reenlistment rates.

The present session of Congress now has before it bills to provide for improved dependent's medical care, survivor's benefits, retirement of service personnel in the highest grade held, and other important measures.

The point I want to make is this: It is to the direct interest of the taxpayers to support final approval of these measures because the savings which can be achieved through their encouragement of career stability are truly enormous.

Let me give you an example of what I mean. In the Air Force, alone, the action taken by Congress last year meant the reenlistment of 11,000 more airmen in the first 4 months of the fiscal year than last year.

A dollar value estimate of the skills retained in the service as a consequence comes to around $160 million—which is what it would have cost to train replacements. The cost of the pay raise for this period was less than $50 million, so, as Secretary Quarles has pointed out, we made 300 percent on our investment.

Now when you consider factors of this kind in relationship to our total defense program, and the heavy turnover we have been experiencing, it's easy to see where it's good sense and sound practice to work harder on the career incentive program. It gives us a lot more stability in our defense structure, conserves our critical skills and helps us cut down the terrible overhead in training, and replacements.

We need to bear in mind that our service people have a right to good housing, proper medical care for families, and all of the other conveniences of life that you and I enjoy. When you consider that they are frequently ordered from one end of the earth to another, this is particularly true.

The career idea which we seek to build in a unified incentive program is the stability and economy idea. It is essential if we are going to have any basis of competitive appeal whatsoever with private industry.

RESERVES

A second area of tremendous importance is our Reserves. Here I believe the country as a whole has got to get behind the program and help the Department of Defense.

This program, from its sensible provision for conserving critical civilian skills to its special inducements for young men under 18½, has not yet achieved the necessary public response.

It can unquestionably provide a tremendous and continuous ready strength for America. And it can assist us in our long-range efforts to stabilize our Military Establishment.

The special 6-months program, in particular, is designed to meet a real need of this time, namely, a means whereby our young men can conveniently discharge their military service and at the same time plan their futures without sudden interruption.

We are trying to help the high school student plan his future step by step. All that is necessary to fill out the ranks of our Reserve units is the recognition by young men that they have a responsibility to help protect this Nation, and that the Reserve route offers a sound way.

Six months of active duty for training is followed by a reasonable period in the Ready

Reserve. Once the brief active duty phase is over, the man is free to devote full attention to education or career or family.

But he must make the decision. And he must understand that there is nothing in the existing world situation which in any way suggests that his country will have less need for his services.

Always, when I talk about this program, therefore, I ask the people in my audience to lend a helping hand. I'll ask you gentlemen to do the same. We need your help, and that of all other citizens, in getting our Reserve program booming along its path of ready strength for America.

In particular, we must make every effort to induce young people under 18½ to volunteer for the 6-months training program—in their interest and the national interest. At the present rate of enlistments, around 90,000 Reserve billets are going begging in this program, and for fiscal 1957 which starts on July 1, another 100,000 will become available.

Talk to the young men of your acquaintance. Tell them of the advantages to them and their country of an early decision on military service. I'll be happy to provide every one of you with detailed literature on the program, showing the many choices available today to a young man of military age.

This program needs the dynamic support of the public—and deserves it. So let's all make it a point to help our young men understand how they can further their own futures and that of America by signing up. There is no advantage in not planning. All eligible young men are being called to serve. Putting off a decision is only to ask for complication and inconvenience later on.

CONCLUSION

And now, that about brings me to the conclusion of my remarks. I want to thank all of you, and John Lyle in particular, for asking me to be here tonight. I have enjoyed being your guest.

What I have been talking about, essentially, is perspective—in terms of seeing clearly where we are today in our national defense program, and recognizing the kind of immediate and long-range protection it affords us.

I suppose there will never be such a thing as a perfect program, one that will satisfy the objections of all critics, and one that will provide total and absolute answers to all of our problems.

But we can try to provide the best program within our means—and the best program for us as a nation determined to maintain our freedom in the face of a calculated assault against it throughout great areas of the world. That, I submit, is precisely what the present administration is doing.

We are strong. And we are growing stronger, well-nigh hourly, as the production of our technology and the skill of our Armed Forces leadership are meshed together. But we can never become complacent.

I mentioned two areas in which I believe a greater public support and response is necessary, and I could have listed more—such as our need to win the cold war of the classroom in competition with the Soviet output of trained scientists.

It profits us little or none at all, however, to fall out among ourselves and to forget, even for one instant, that our greatest basic strength lies not in our weapons and machines, but in our spirit as free and independent people. We need, as seldom before in our history, to stand, act and speak as one nation.

In concluding these remarks, let me leave this thought with you:

Tyranny is alien to the soul of man. The hammer and sickle can produce dangerous weapons, win temporary advantages, and threaten to engulf those who oppose it. But it can never quench the indomitable spirit of freemen and their will to be their own masters.

With all our advanced technology today, we should be hard at work encouraging our young people to come forward as volunteers to man our active and Reserve forces, filling them to overflowing, and giving the Communist Geiger counter a terrific and lasting jolt.

The will to be voluntarily strong is a quality of living and breathing strength that no Communist nation can ever match. Let's build on this strength.

You and I, and everybody else, needs to get into the fight. What is at stake is all we ever fought and died for in the past.

All that will be lost if we fail is America itself.

Mr. Speaker, included in the criticism of our defense posture this year, which I remind you again is an election year, has been that we are lagging in our research and development programs. That gives us a chance to make another comparison, and I recently asked the Defense Department to supply me with facts and figures on research and development appropriations, expenditures, personnel and the projects for 1950 and 1956. These figures are especially revealing for they show, as our able Assistant Secretary of Defense Carter Burgess said on February 14 of this year:

> Today we have a double job of defense—getting early results out of our present and projected programs and making up time for all the things a $12 billion budget didn't do in the precious period that preceded Korea.

For back in 1950, although we had evidence that there was a growing military might in another area of the world, we were spending only $12 billion a year in our total defense program, while the figure for this year is $35.5 billion, almost three times our 1950 expenditure.

The Defense Department tells me that appropriations identified as research and development were five hundred and forty-five million in fiscal year 1950, and one billion four hundred and ninty-four million in fiscal 1956. Actual expenditures for 1950 were five hundred and forty million and estimated expenditures for 1956 were one billion five hundred million.

These figures are for research and development alone and do not include the activities directly supporting the research and development test and evaluation program, nor do they include military construction, industrial facilities financed under procurement appropriations, or pay and allowance of military personnel.

We have more than twice as many research engineers and scientists actively engaged in Defense Department research and development programs now over what we had in 1950. There were 32,000 engineers and scientists then, and there are over 75,000 now, not including supporting research workers, administrative, clerical, maintenance and other nonprofessional technical assistants. It is interesting to compare the specific research and development expenditures on guided missiles for 1950, for the guided missile program was another program that suffered from the starvation treatment before Korea. In 1946, at the end of World War II, we had an opportunity to bring to America the German scientists who had made advances in this field far greater than those of any other nations. Yet we brought in only 35 scientists in 1946 and Russia took more than that behind the Iron Curtain to begin her missile program. Ultimately, we got over 800 scientists in this category, but again Russia got more.

A start was made on the intercontinental ballistics missile at this time with defense funds, yet despite the knowledge that Russia was utilizing the talents of a force of scientists greater than ours in this particular field, our missile program suffered even more severely than our Air Force. At one point, between 1947 and 1950, we had no missile or rocket program worth mentioning. Some of the projects that had been started were completely cut off from funds, and only the foresightedness and patriotism of some of our aircraft companies, who continued to experiment in this field, kept us from losing 2 or more precious years in guided missile research and production. In fiscal year 1956, we spent $917 million in this vital field plus additional millions for the research project.

The ballistics missile project was shoved up from a class 2 priority in 1953 to a class 1 priority. We are making real progress in this field. In my congressional district, for example, a $40 million plant is being constructed to build the Atlas intercontinental ballistic missile. This is a missile capable of flying 15,000 miles an hour, carrying a hydrogen bomb warhead, a distance of up to 5,000 miles to land on a target with deadly accuracy. There is every evidence that we lead the field today in missile research development and production. Air Force Secretary Quarles said recently that "there is no question about our being ahead of the Russians in the whole field of missile development." Sir Frederick Brundrett, who heads the scientific research development in the British Ministry of Defense, said this year:

> I think it is possible that the Russians might be ahead of Britain in the ballistic missiles field but they are definitely not ahead of the United States.

The missile program today is nearly as large as America's nuclear energy program which is well known. The budget beginning July 1 this year contained $1.5 billion for missiles and the entire atomic energy program is $1.9 billion.

The question of lead time is one that works its way into any discussion by military experts. It takes years to develop new weapons, more than 5 years to develop a new bomber, for example, and yet, while lead times of our weapons of today are classified information, I can assure you that our lead time on the development of the new weapons that will comprise our arsenal of tomorrow is being cut down as we improve the technology of our armed services. One of the heartening developments of recent months was revealed to me this afternoon by Congressman CRAIG HOSMER, who pointed to the Defense Department's significant answer on lead time, stemming from our modern research

and development program, which stated:

The projected lead time for ICBM guided missiles and nuclear air propulsion has shrunk, and it is considered that these projects are nearer than once thought possible.

Mr. Speaker, in evaluating the overall strength of this Nation today, we must of course recognize the contributions of our allies to the common defense of the free world. Another of our colleagues will discuss our military alliances, and he, too, has the qualifications for such a commentary. Congressman BENTLEY, of Michigan, served for 9 years in the Foreign Service, in both Eastern and Western Europe. He served 2 years back of the Iron Curtain, and was an eyewitness to the dramatic and tragic events that occurred during the overthrow of free government in the Iron Curtain countries. He has been shot at by the Communists and incidentally, was shot and seriously wounded here in the House 2 years ago by the Puerto Rican fanatics.

I yield to the Honorable ALVIN BENTLEY, of Michigan.

Mr. BENTLEY. Mr. Speaker, we have already heard a comparison of our air strength, an account of new weapons systems, air support for ground troops, and our search at sea for aerial or underwater invaders. We have heard the contrast between American military might in 1950 with our fighting power of today.

We must not forget, however, that in our last three major wars, American boys fought for freedom side by side with valiant soldiers of many other nations and races. In fact, during the last one, Americans fought under the United Nations flag to protect the freedom of an oriental race.

Therefore, our discussion today of the American defense posture must include a summation of the strength and power of our allies in NATO, SEATO, in South America, Asia and elsewhere.

The Communist rape of Czechoslovakia in 1948 shocked the United States into joining with European nations in the alliance we call NATO.

When General Eisenhower returned to active duty early in 1951 to start formation of a new allied European force to repel aggression, the 12 member nations of NATO had less than 15 divisions and less than 1,000 warplanes, with those mostly obsolete.

In the year 1950, we spent $14,559,000,000 on the United States military forces and our allies in Europe spent $5,413,000,000, a total of slightly more than $20 billion for the free world.

In 1955, we spent $40,548,000,000 and our allies had doubled their outlay to $10,393,000,000, a free world total of $53 billion.

We do not have 15 divisions in NATO today—we have a force equivalent to more than 200 divisions and they are trained, equipped, hardened, fit, and high in morale. The New York Herald Tribune estimated last Christmas day that the armed forces of all the NATO nations totaled 6,988,700 men under arms, of which less than half were Americans. These forces operate under an international trained command, now accustomed to working together in spite of language barriers and the variant viewpoints on social, religious, or political matters.

Gen. J. Lawton Collins said in a speech last November that—

Today the armed forces of NATO are much stronger, better trained and better equipped than they were a few short years ago. We now have international commands set up which, in the event of aggression, would control allied forces assigned to them. As a result, an attack in Europe would indeed be costly, if not catastrophic, for any aggressor. In fact, in my opinion, it is the strength of NATO coupled with the retaliatory power of our Strategic Air Command and the tremendous industrial and military potential of the Western Hemisphere that has protected us from another world war.

Admiral Radford said during this May:

I believe that one of the most important reasons for the change in the Communist line has been the success of our country, in conjunction with our friends and allies throughout the free world, in creating a military posture which Communist forces are becoming less willing to challenge.

When NATO started 5 years ago, it could count on the use of 15 military airfields. Today more than 135 airfields are used by NATO and they are interconnected with pipelines for supplies of fuel. More than 300 air squadrons equipped with the latest in high-speed and supersonic warplanes are ready to meet any aggressor in the European or Atlantic world.

Contrast that with the meager 1,000 obsolete airplanes General Eisenhower started with, when for a second time in a decade, he assumed the task of uniting free peoples in one international army.

Today, some 26 naval bases are built and in operation to serve the 2,000 war vessels in NATO fleets.

When we in the United States give vast sums of money and equipment to aid our allies in NATO, we must also remember that NATO members are doing their part too. They supplied 85 percent of the cost of the European NATO buildup and we contributed 15 percent of the total. Moreover, NATO nations furnished 90 percent of the soldiers in the ground forces defending Europe today. They supplied 75 of the present European air strength and a substantial share of the naval might in European waters.

More and more, we are able—because of willing allies—to pull back our American forces to the Western Hemisphere. Fewer and fewer American boys will have to stand watch on the Rhine.

To achieve this increasing self-sufficiency, our allies in Europe brought about a fourfold increase in their defense production since the day that Eisenhower put Nato in motion.

I do not mean to say that all or everything about the North Atlantic treaty alliance is perfect. There are nations in Europe who are not doing their part or standing up to be counted among the NATO nations. Some are not allied with us from fear of the Soviet bear that walks like a man. Some others, in my opinion, consider it "better for business" to stay out of alliances in order to keep themselves free to sell to both sides. Neutralists are not confined to Asia. However, in sum total, those who remain aloof are neither large nor powerful. Such nations seem to forget the innocent little countries like Estonia and Latvia which went down the gullet of the Russian bear.

My acclaim goes to little nations like Denmark and Norway. They know only too bitterly what it means to be scuttled by Quislings and occupied by iron-booted conquerors, yet they stand up and serve as partners in NATO, preferring a fight for liberty and freedom to thralldom under godless tyrants.

I wonder how our citizens would feel if in place of Canada, we had on our northern border, a totalitarian state with 5 times our capacity for military production, 10 times our military might, and a long history of genocide, enslavement of peoples, perfidy and violence to the point of madness? I hope we would have the courage to join with the other free peoples of the world for mutual protection.

NATO has paid off.

Communists made no territorial gains anywhere in Europe or the Atlantic area since NATO began.

Looking back from 1956 to the outbreak in Korea when NATO was in process of formation, I wonder now why we did not have wit enough to form similar alliances with the free peoples of southeast Asia.

SEATO came late. SEATO came only after too many parts of lower Asia were snatched into the realms behind the Iron and Bamboo Curtains.

SEATO was formed only in February of last year, and progress among the eight associated nations has been reported, but only in general terms. The military might of the combined countries can be built up only after stability is brought to some of the countries themselves.

An analysis of the situation in the SEATO territory was given in a talk last year by Struve Hensel, then Assistant Secretary of Defense:

In the Middle and Far East many countries had to start with police forces—internal security forces to protect life and property. We in this country, where law and order rule in the most remote settlements, often forget that it is not the same elsewhere. In free Vietnam, there are villages less than 100 miles from Saigon which have only courier—and that means on foot—communication with their capital city. Disturbances in those villages go on for days before the Central Government hears of them or can send help. The power of the central government, just to protect life and property, is geographically very limited. In other countries—Iran for example—a journey of a few hundred miles from the capital brings one to tribes who are virtually a law unto themselves and are totally unaware of any national government. Think for a moment of the opportunities such situations offer Communist agitators. In such countries, the first military requirement is to enable the Central Government to enforce its laws and protect its people from internal disturbances. Only when a country is internally secure, can we expect resistance to external aggression.

Toward that goal of security and modernization, more than $200 million has

been made available, as well as quantities of suitable arms. The Communists are finding more and more difficulty in stirring up revolt, civil commotion and rioting.

And, mark you, no country in the world has ever gone communistic except by means of violence and force. No country and no people ever voted for a choice between government of the people and a government which forces everybody to serve the State.

In 1950, for lack of NATO, SEATO, and allied strength, Communist aggression spread like locusts through land after land. Today, in 1956, the major revolts are behind the Iron Curtain.

All through the ramshackle Communist empire, revolt is simmering—

Reported the U. S. News & World Report for July 6.

Poland, East Germany, Czechoslovakia, Baltic States, Russia itself are powder kegs, ready to explode at the slightest spark. Flareup in Poland is just the latest in a growing series of incidents. There'll be many more. The Communist dilemma: give people an inch of freedom and they'll move in with demands for a mile. Communist rule will be in danger. But deny them any more freedom and pressure of resentment will build up for an explosion. Big forces of revolt appear to be stirring in the Communist world.

Nowhere does communism rest upon the consent of the governed.

The News continues:

Wherever communism exists it is imposed and maintained by force. That's its weakness.

Communism, basically is afflicted with fatal weaknesses. Given time and lack of aid from the outside, serious trouble seems inevitable.

Last week, the same publication carried a feature article which spells out in detail the trouble spot which fills the Kremlin creatures with fear.

The troubles of the Kremlin remind me of an old saying among farmers, "It is a good thing a dog has fleas. Keeps him remembering he is a dog, and keeps him busy too."

Mr. Speaker, we have more allies than we think. Many, many hands are reaching out to us for the guns and ammunition for use against the world's communistic tyrants.

Consequently, when we contrast our military might of 1956 with our weakness in 1950, we should include in our summary, not only the forces in being in NATO and elsewhere, we should include the will for freedom which burns so strongly in people throughout the world.

If we keep up our arms in a posture of defense, if we stay alert and confident in strength, if we maintain our will to stand for right, for God, and for decency among nations and peoples, tyrants cannot stay in power forever.

Mr. WILSON of California. Mr. Speaker, we rightfully look upon our fighting men and women as the best cared-for, best trained forces in the world. Certainly we cannot match the Communist horde with numbers alone. We must rely more and more on quality rather than quantity of manpower. As we develop more complex equipment and weapons, we must upgrade the abilities and talents of the men and women who handle them. To lead a discussion on this subject and the success of the administration in retaining valuable trained personnel in the services, we are going to hear a report from Congressman CEDERBERG, of Michigan. His wartime experience includes service as an Army officer in the 83d Infantry Division, where he was a division headquarters company commander. He served nearly 5 years in World War II, in the European theater, and just recently resigned his commission as a major in the Army Reserve.

I yield to the Honorable ELFORD CEDERBERG, of Michigan, who will discuss the manpower element of our defense posture.

Mr. CEDERBERG. Mr. Speaker, for the first time in our history we have been faced with a continuing peacetime threat to our security from a foreign potential foe. This has meant a complete revamping of our thinking with respect to military standards.

In his letter to the Secretary of Defense on January 5, 1955, President Eisenhower said:

Both in composition and in strength our security arrangements must have long-term applicability. Lack of reasonable stability is the most wasteful and expensive practice in military activity. We cannot afford intermittent acceleration or preparation and expenditure in response to emotional tension, inevitably followed by cutbacks inspired by wishful thinking. Development of sound, long-term security requires that we design our forces so as to assure a steadily increasing efficiency, in step with scientific advances, but characterized by a stability that is not materially disturbed by every propaganda effort of unfriendly nations.

One of the first tasks undertaken by the Eisenhower administration at the conclusion of the so-called police action in Korea in which so many of our youth lost their lives, was to launch a study of the various problems relating to the personnel of the armed services and the particular need for conservation and utilization of military manpower.

The Nation is faced with an entirely different situation with respect to military personnel in peacetime than it is in wartime. Conscription is taken for granted in wartime and in such periods compulsory calling to arms becomes an accepted procedure.

However, in peacetime our Military Establishment finds itself suffering under the great handicap of competition for manpower from private industry.

In a communication to the President, the Secretary of Defense said:

Our personnel practices must enable an individual to attain a standard of living more nearly approaching that which a man can earn—ability for ability and skill for skill—in industry. The quality of our military preparedness depends upon retention, on a long-term career basis, of a proper proportion of these officers and men with highly developed technical skills and competent leadership qualities.

Only a few years ago (prior to World War II) traditional emoluments provided by the Congress for military personnel were broader and considerably more attractive than those offered by industry. These advantageous circumstances prevailed for many years in recognition of the sacrifices inherent in military service compared to the comforts and unlimited opportunities of stabilized civilian life. We cannot escape the fact that most of the benefits that were once unique with the military career are now, or are rapidly becoming, common in civilian industry.

There has been increased emphasis in recent years on the so-called fringe benefits in private industry. Economists estimate that these benefits have tripled in the past 2 decades.

The National Industrial Conference Board, making a survey of 500 large companies, has compiled its findings on the scope of these benefits and the following figures reveal the extent to which businesses in the respective categories pay all or part of the cost of the identified benefits. Those percentages follow: group life insurance, 89.5 percent; hospital insurance, 98.4 percent; maternity benefits, 78.5 percent; retirement pensions, 66.2 percent; special price on company products, 46.2 percent; subsidized cafeteria, 42.6 percent; free periodic medical examination, 37.2 percent; year end or Christmas bonus, 34 percent; and paid sick leave, 13.5 percent.

Without the Federal Government offering incentives for military service it is not difficult to realize the reason for the lag in the rate of volunteers.

This has been particularly true with our civilian economy running at an alltime high under the Eisenhower administration and with our civilian establishments offering an attractive array of incentives in their bid for manpower.

This situation was anticipated by President Eisenhower and his advisers from both the military and civilian departments and that is why they undertook this extensive study as soon as the President succeeded in ending the shooting in Korea.

The problem which confronted us is reflected in statistics showing that in the fiscal year 1955 enlistees in all occupations who completed their first term of service, reenlisted at the rate of 15.7 percent. In the more technical branches the reenlistment rate was even lower. For instance first-term electronic technicians reenlistments were down to 6.9 percent.

Experts in the Defense Department tell us that the dollar value estimate of the skills in the service comes to around $160 million. That figure represents the cost to train replacements. With the turnover of personnel at the rate we have experienced in the past it can readily be seen that this has been an expensive item in our defense budget and at the same time lowers the efficiency rating with respect to overall manpower skills.

To provide our country with top notch military might, the backbone of which would be highly trained career personnel, the Eisenhower administration has inaugurated a program of improved military career incentives.

In his communication to Congress on April 9 of this year President Eisenhower set forth the importance of such a program when he said "Only when we have created a career military service which can compete with the attractive opportunities available in civilian pursuits will we be able to stop the wasteful losses from our Armed Forces and attract individuals to those services. We cannot

move too soon in our efforts to increase the number and quality of volunteers for long-term career service in both enlisted and officer ranks."

As we make service in the military branch of our Government more attractive and as these incentives draw more men into the service through volunteer enlistments and through reenlistments, there will be fewer and fewer demands on our local draft board quotas.

The effect of the incentive program of the Eisenhower administration is already showing up in selective service statistics. The percentage of inductees dropped 13 percent between 1953 and 1955 and an additional 4.8 percent drop is anticipated for the fiscal year 1957.

This new program of attracting volunteers means that our Armed Forces will have increased stability of personnel through the use of long-term volunteers instead of 2-year inductees.

Already we find that our reenlistment rate is going up. In the fiscal year 1954 the rate of reenlistment was 23.7 percent. The next year it went to 27.2 percent, and in the 1956 fiscal year it is estimated it will have jumped another 15 percent to 43.1 percent.

Each additional 10 percent gain in enlistment rate means that 60,000 seasoned fighting men and technicians are retained in the place of 60,000 raw recruits who must be trained at the rate of about $3,200 per man.

Until the career incentive program of the Eisenhower administration got underway, the huge drain on our military force was staggering. Of our planned military force of 2,900,000 service men and women, 45 percent had less than 2 years' service and only one-tenth had served longer than 10 years. These huge losses which have been occurring annually as the result of men leaving the service as soon as they complete their first enlistment or their draft obligation have made it necessary to rebuild one-third of our force each year and even then we fall far short of the proper mix of skills and abilities. This turnover is a tremendous burden on our Treasury.

Prior to World War II 300,000 men made up the entire standing military force of our country. One and one-half million were in active service between World War II and Korea. We now require nearly 3 million men under arms.

President Eisenhower's military knowledge caused him to readily grasp the situation when he took office. In spite of the wailing of the prophets of gloom to the contrary as the machinery of the Republican administration began to coordinate and veer the course of Government away from some of the socialistic tendencies that had been advocated in previous years our employment began to rise and prosperity expand. This made civilian life with its lure of greater comforts and more stable opportunities, the inconvenience and nature of military life, and the growing spread between civilian and military incomes become reflected in the turnover in military personnel.

In his message to Congress in January 1955 President Eisenhower said:

> To sustain our active forces at required levels of strength and efficiency, it is necessary to increase the present rate of voluntary enlistments * * * and to induce volunteers, both officers and enlisted men, to continue in the service on a career basis.

And he set the pattern for corrective action when he said:

> These objectives require compensation which is more in line with that offered by private industry. They also require strengthening of traditional service benefits in recognition of the unusual difficulties facing the serviceman and his family.

PRESIDENT EISENHOWER'S RECOMMENDATIONS

A very positive program was undertaken by the Eisenhower administration to make military careers more attractive. The President, in a message to Congress, made some very specific recommendations for congressional action.

They included:

First. Selective increases in pay.

Second. Corresponding increases in hazardous-duty pay.

Third. A "dislocation" allowance.

Fourth. An increase in travel per diem.

Fifth. More housing and reduced rental on substandard housing.

Sixth. Improved dependent medical care.

Seventh. Equalization and improvement of survivor benefits.

As an immediate incentive to stem the mass exodus of servicemen from our Armed Forces we provided the Reenlistment Bonus Act of 1954. This was heavily weighted to increase reenlistment of first-term service people. We gave them 1 month's pay for each year of reenlistment. We also increased incentives for second and subsequent enlistments.

CAREER INCENTIVE PAY

The next step was the Career Incentive Pay Act which became Public Law 20 of this Congress. This law was one of the major factors in reducing the staggering turnover we were experiencing. This was strictly an incentive law. Those performing obligated service are not benefited by it. In other words, minimum years of service were established before these additional pay benefits are available. The increases vary in amount between 6 percent and 25 percent of basic pay, with the largest pay increases applying at critical career points. Certain other additional benefits are now available for hazardous duty.

SERVICEMEN'S SURVIVOR BENEFITS

President Eisenhower recommended and we have just passed legislation designed to establish a new and equitable survivor benefit program for members and former members of the uniformed services. The legislation originated with the Select Committee on Survivor Benefits. In assembling the many inequities that have existed under the present system, it was learned, for instance, that under existing law the part-time reservist had better survivor-benefit coverage than the full-time regular. It was pointed out that a major shortcoming of the present system is the failure to relate the principal benefit payment to the income level of the serviceman at the time of death.

The purpose of this new law is to improve and streamline the present survivor-benefit system so as to provide a uniform, equitable, and efficient program for the future.

Under this act those who are now receiving greater benefits under provisions of the present laws may continue to receive those benefits. On the other hand, if they would improve their status under this bill now in conference they may elect to receive the benefits thereunder.

Survivors now receiving the higher benefits may desire to continue receiving these benefits until such time as their status changes and they may then elect to take the benefits provided in this pending act.

We have taken a great step forward in improving benefits to widows, orphans, and dependent parents of our servicemen and veterans. One phase of the new law links them closer to social security. In the past members of our Armed Forces have been receiving a temporary gratuity of $160 credit toward social security, but, under this new legislation, they will join the social security system. The survivors' benefits will hereafter be a combination of both social-security and Veterans' Administration payments.

We have corrected another inequity in this respect because the Social Security Act provides that total family benefits are limited to a maximum of 80 percent of the worker's average wage. However, in the case of a soldier, sailor, or airman who dies while still in the lower pay grades, the benefits accruing to his survivors would be disproportionate. Consequently we have made allowances for this in the law by authorizing certain Veterans' Administration increases. We have made certain other adjustments to bring service benefits in line with social-security benefits.

The Department of Defense feels that this act fills a long-standing need for improvement of family protection for the service member and it provides a strong inducement with which to attract and retain personnel of the caliber required to man the Armed Forces.

DEPENDENT MEDICAL CARE

President Eisenhower called the proposal for dependents' medical care one of the most important in the administration's career incentive legislative program when he sent his message to Congress recommending certain provisions extending and enlarging medical benefits for service families. At the time we considered this legislation it was pointed out that these increased benefits would contribute immeasurably to the morale, well-being, and effectiveness of servicemen. Prior to the enactment of this proposal of the President our servicemen did not have the assurance of the benefits which we are now giving them under Public Law 569. As a matter of fact, this vital element to the morale and well-being of our military personnel was long overdue. Since the end of World War II, it has been practically impossible to furnish this care to many of the dependents of our military forces. Our military departments have not kept pace with American industry in this respect because while we were compelled to decline medical care of the families of our Armed Forces more and more industries were extending those benefits to employees and their families.

Without question this assurance that medical care will be available to the family of any of our servicemen is a very effective argument in favor of Armed Forces. By providing medical care for the dependents of servicemen we accomplish two purposes. The first is that the serviceman has the assurance that his wife and children are going to have the kind of medical attention that they need. The second is that the extension of this medical care to these dependents contributes directly to the primary medical mission by attracting and retaining competent career personnel who find it possible to maintain their professional proficiency through the opportunity to extend their professional service to military dependents.

Surveys made by the Defense Department have shown that decisions of many men to leave the service and return to civil life are influenced because of the fact that medical care has not been available for his wife and children. The act to which I refer will now provide an improved and uniform program of medical care for dependents. Not only does this act provide service dependents medical care at service facilities when available, but it also directs the Secretary of Defense to establish group health insurance or medical service plan providing certain minimum services for the wife and children of active-duty personnel. The coverage of this insurance is automatic and is at no cost to the member of the armed services.

Furthermore, this act gives the Secretary of Defense the authority to contract for the medical care of wives and children of servicemen who are on active duty outside of the United States, through civilian medical sources.

In the past there has been some confusion over the entitlement to medical care and also the type of medical care that has been offered to a dependent by the different branches of the service has varied. The law which has just been enacted will eliminate much of this confusion and also provides that each of the services will afford the same care to the same category of dependents. It gives a very clear-cut and positive legal sanction to a service benefit. This law makes dependent medical care a genuine service benefit by making it available to all military dependents regardless of circumstances. Furthermore, it contributes immeasurably to career attractiveness by providing a benefit which can be measured in dollars and cents and the benefit which identifies the service family with the sponsoring service.

PROCUREMENT OF MEDICAL AND DENTAL OFFICERS

Another incentive proposal which has been enacted into law is that which undertakes to deal with one of the most serious problems affecting the Armed Forces today and that is providing adequate medical personnel. Public Law 410 was designed to provide an incentive for medical and dental officers. At the time this bill was under consideration we were told that in the last 2 fiscal years the military services lost about 25 percent of their regular medical personnel. It became necessary in 1950 for us to enact the doctor draft law from which the Defense Department got about two-thirds of its medical officers. Out of the 10,000 medical officers on duty with the Department of Defense at the time this medical and dental career service bill was passed only about one-third were career personnel.

Since we do not have schools in the military service where our doctors are trained as we train our other military personnel it was very appropriate that as an incentive we should permit these men to have credit for longevity pay purposes of their medical education periods up to 5 years for doctors and 4 years for dentists. This provision will place them on the same longevity basis as other line officers who enter military service at the same time that these doctors entered medical school.

We are all aware of the fact that combat readiness of our military forces depends upon the health and well-being of the individual fighting man. In order to keep these men in trim we must have available an adequate corps of medical men.

While opportunities in civilian life have increased for our Nation's physicians and dentists we had not increased those opportunities in our military service until the Eisenhower administration undertook this incentive career program. Public Law 410 was designed to increase these incentives. It was aimed as a counterbalance to the superior attractions of a civilian medical career.

SUBSTANDARD HOUSING

Another of the President's recommendations on which the House recently completed action was the substandard housing bill affecting military personnel. This bill preserves the rental allowance of our military personnel when they are living in inadequate housing units. It frequently happens that our personnel with families are compelled to live in converted barracks, with several families occupying the same building. It also frequently happens that a service family must live in a quonset.

We are advised that today there are some 36,000 units of inadequate housing which are technically public quarters and therefore require that the service family, the majority of whom are enlisted, surrender their total housing allowance. This bill provides that the serviceman retain his allowance for quarters and pay a fair market rental for the space occupied. This is a temporary measure but one which gives overdue correction to an inequity.

Of course this entire housing matter will eventually be taken care of under the family housing programs already authorized by Congress and in contemplated programs for which approval is anticipated.

Nurse Corps career incentives, preservation of retirements rights, regular officer augmentation proposal and readjustment pay for Reserve officers are only a few more of the many forward-looking programs designed to make service in the Armed Forces more attractive.

The Eisenhower administration has done more to strengthen the position of our mililtary forces through the inauguration of the mililtary career incentive program than any other peacetime administration in many decades.

The President's incentive career plan is giving the serviceman a feeling of belonging. It is giving him pride in his job and an assurance of continuity of service under conditions that are being improved as conditions in private employment are improved. Under the President's program we are giving them so-called fringe benefits comparable to the general trend of such benefits in private life.

We are making more effective use of the skills of career service men and women and we are compensating them for their knowledge. We are presenting a program that will encourage young people to come forward as volunteers in the service of their country. Never before has the phrase "career in the Armed Forces" carried so much meaning.

We are adding dignity to the military career.

In the past we have paid a tragic price for our failure and neglect in getting ready. The program of President Eisenhower with respect to military personnel is one which will get us ready and keep us ready with a defense force of highly trained volunteers dedicating their lives to the service of their country. In turn our Government recognizes their service by placing them on a career basis.

Mr. WILSON of California. Mr. Speaker, we can be strong only if we have a strong industrial and mobilization base. As the great producer nation of the world, we must remain constantly alert to keep our mobilization facilities and materials intact and ready for action. To discuss this phase of our defense posture, I am yielding to the gentleman form Arizona, Congressman JOHN RHODES, a distinguished young attorney and business leader, who is well versed in his subject. His 5 years of active duty in the Air Force includes service as executive officer of the huge Williams Air Force Base in his home State of Arizona. He is active in the National Guard, in which he serves as a lieutenant colonel.

I yield to our colleague the gentleman from Arizona [Mr. RHODES] to discuss our mobilization role.

Mr. RHODES of Arizona. Mr. Speaker, it was announced recently that in the year 1955 the national product of the United States exceeded $400 billion. Measured in constant dollars, this is an increase of almost 25 percent over the 1950 level. This is the most significant figure we have with which to measure our national mobilization base.

A mobilization base is the floor upon which must be built the Armed Forces to win a war, and the wartime economy to support those Armed Forces. It provides the means whereby this country may, if necessary, recover from the shock of an atomic attack, and marshal its forces for eventual victory.

The most important single factor in a mobilization base is a strong, existing, civilian economy. That is why I mentioned the $400 billion level of our national product. This record national product indicates the extent to which private and governmental initiative have

been successful, in partnership, in building this type of civilian economy. Further indications of the success of this administration along these lines are as follows: Estimated steel capacity for 1956—128.4 million tons, which is an increase of 30 percent over 1950. Aluminum capacity at 3.5 billion pounds annually is 140 percent above 1950. Electric power capacity at the end of 1956 will be approximately 125 million kilowatts compared with about 70 million kilowatts in 1950.

Private industry has been encouraged to expand in many ways. One of these is by use of the fast tax writeoff. This law allows the Office of Defense Mobilization to give a tax writeoff certificate to any industry which builds a plant that can be used or adapted, for war production. Through the control of these certificates, ODM has been able, not only to secure the type of industrial expansion desired, but also to locate it in accordance with the best dispersion methods, so that in the event of attack, American industry could not be wiped out with a small number of bombs. However, the most powerful factor in industrial expansion has been the creation of a governmental climate favorable to business expansion. The elimination of the excess profits tax, the very modest relief from double taxation accorded corporate stockholders, the removal of Government from competition with private industry, are only a few of the factors which have caused business to feel that under the Eisenhower Administration it can invest and prosper. As a corollary, there is almost no unemployment in the country. The industrial force is better housed, better fed, and better paid, than ever in the history of any country on the face of the earth. Therefore, our unequaled industrial might is ready to man the ramparts of wartime production if the need should arise.

Planning for mobilization is a complex operation, largely because of the type of world in which we live. For instance, one plan calls for mobilization upon the outbreak of a Korean-type war. Another plan envisages full mobilization for a war of the World War II variety, but with no attack on the United States. Another plan calls for full mobilization for a war of the World War II type with an attack on the United States likely to follow. Finally, there is a plan for mobilization assuming an atomic sneak attack on the United States. In each contingency, plans of action must be ready which will, first, support the defense of the United States; second, give logistical support to civil defense; and third, readjust the economy to provide for expanded production of the products needed to carry on a war.

In the event of any mobilization, ODM will release material from its stockpile to provide needed logistical support for the Armed Forces and war industries now in operation. It will also make material available to civil defense, to aid stricken communities, to clear away damage, and to resume the flow of industry and commerce. It will also reallocate and assign defense contracts to provide for expanded production, and to fill the gaps which might have been caused by destruction from enemy action.

While it is impossible in this short time to relate all of the activities inherent in the establishment and maintenance of a mobilization base, I would like to discuss the bomb damage assessment feature briefly. It is obvious that if a bomb of a certain magnitude is dropped on a certain locality, certain industries will be wiped out, at least temporarily. Therefore, by the use of electronic computors such as Univac, ODM is ready at a moment's notice to appraise bomb damage. Given the megaton rating of a bomb, the altitude at which the bomb was exploded, and point zero of the explosion, Univac can give ODM the industrial capacity which was wiped out, and do so within a matter of minutes. Then it is up to ODM to immediately reallocate the production destroyed to plants in other areas which have not been hit, so that the national production may reach and maintain a level necessary to carry on a wartime economy. ODM has also distributed "self triggering" orders to certain plants. In the event of disruption of communication from enemy attack, these plants would begin immediately to produce certain manufactured articles which will be needed in the event of full mobilization. A plan has also been implemented for regional coordination of defense activities in the event that communication with Washington is impossible. Under this plan, certain regional coordinators are responsible for war production in a given area of the United States, and in that region the coordinator will assume the function of ODM without further order from Washington.

Since manpower is important to any war effort, ODM has established an executive reserve from the ranks of industry. Persons assigned to the executive reserve are given designated duties to perform in the event of full mobilization. They will be trained in these duties, and prepared to take over full-time operation of their respective sections on mobilization day.

One of the first functions of ODM is to make certain that the raw materials, machinery, and some finished products, which we would need immediately in the event of war, are available. We are completely dependent on foreign sources for some raw material, and partially dependent on such sources for other materials. ODM must gear its stockpile objectives for a national emergency of a certain duration, and then proceed to acquire enough of the needed material to fulfill the objective.

The Office of Defense Mobilization recently reported that approximately 75 percent of the total minimum stockpile objectives are now on hand. Good progress is being made on all stockpile objectives. Wherever possible, the attainment of a stockpile objective was accomplished in a manner best calculated to develop domestic industry. Sometimes it was necessary to postpone deliveries to the stockpile, in order to provide minerals and metals needed by the civilian economy. When such a need arose, the overall benefit to the economy and the consequent expansion in our mobilization base was weighed against the desirability of attainment of the immediate stockpile objective. This is an example of the many complex decisions which must be made by personnel responsible for the mobilization base.

The attainment of the industrial mobilization base also entails certain expansion goals. Since Korea, 195 expansion goals have been completed. Only 32 now remain, and only 2 new ones have been added in the past 5 months. The accomplishment of these goals was attained through the use of the tax amortization program as set forth above, through the outright procurement and placing of certain machinery by the Federal Government which is now in standby status, and by the use of Government loans so that certain industries might expand to the desired goals. Of paramount importance, however, is the willingness of industry to spend its own funds to expand the civilian economy in the favorable climate afforded by the Eisenhower administration.

The maintenance of the mobilization base necessitates a continuing study. New situations demand new solutions; new weapons and new techniques demand new types of material; new international situations demand new countermeasures. ODM is constantly revising and restudying the mobilization base, and its long-range plans.

Although I have been critical of ODM for the way it has handled the manganese program, and am still critical of it for that program, I think that we must all agree that this Office has done an outstanding job. It has had the complete backing of President Eisenhower and his administration. Because of the policies of this administration, private industry has also been more than anxious to do its part in the attainment of our mobilization base. Much work remains to be done, but the attainment of our objectives is proceeding smoothly, with competent hands on the throttle.

Mr. WILSON of California. Mr. Speaker, we have tried today to give our colleagues a factual report on the state of our defenses. It is reassuring to those of us who have studied the facts and figures we have assembled over the past few months to see a pattern of continual strengthening of our defense posture, under the able leadership of President Eisenhower. We should be remiss today if we failed to pay special tribute to the contributions to our national security made by the loyal men and women of the service, and the civilian workers, too. I want at this time to pay my respects to the patriotism and devotion of the civilian secretaries of the various services, many of whom have made substantial financial sacrifices to serve their country in this crucial period.

I would single out as representative of the ability and dedication that such men have brought into our Government an individual who though sometimes maligned, has generally proved to be right in his decisions as they affect the military. Of course, I am referring to our able Secretary of Defense, Charles E. Wilson, whose strong and determined hand has

guided the progress of our defense build-up since 1953. The Nation may well be grateful some day, beyond all means of expression, for the ability, the loyalty, the persistence, and complete dedication this selfless man has exhibited in his administration of the Defense Department. I am sure I echo the sentiments of many of us in this Chamber when I pay public tribute to Secretary Wilson.

WHAT IS THE TRUE CONDITION OF OUR MILITARY PREPAREDNESS?

The SPEAKER pro tempore (Mr. TRIMBLE). Under previous order of the House, the gentleman from Indiana [Mr. BRAY] is recognized for 30 minutes.

Mr. BRAY. Mr. Speaker, Americans are confused and disturbed. They know most of their tax dollars are being channeled to this country's military programs. They do not complain too much about that. But they are beginning to raise questions about military spending, and, rightly so, for they hear almost daily from some self-styled experts that our defense is second-rate and inadequate. If it is, Americans want to know why. They also want to know the true picture of their highly priced military defense.

I will try to describe that condition as briefly as possible, but I assure you that an adequate review of our national defense would take thousands of pages.

From the press, radio, TV, from speeches throughout the country, and from the floor of Congress we hear that our national defense has been deteriorating, that we are not appropriating or spending enough money on national defense.

The President has been bitterly assailed because he is not requesting larger expenditures from Congress. A great group, whether great in number or just great in vocal strength, is stating that we are in great danger from Russia and that to save ourselves we must pour more and more billions into armament and draft more and more men into our Armed Forces.

It is of vital interest to every American that we have a sufficiently strong military force to give us adequate defense. It is equally important that we not place a crushing burden of taxation on the American laborer, farmer, or businessman; that we do not wreck our great American economy and high standard of living by surrendering to the regimentation of militarism.

I am now and have been during all of my adult life an exponent of adequate preparedness. I attended the first CMTC camp held in the United States when I was 17 years old, and I have been a commissioned officer more than 31 years. Before World War II, I worked with the William Allen White committee to get our country interested in national defense. I spent almost 4 years in the Asiatic-Pacific theater during World War II, most of which time I was in command of a tank battalion. For the past 4 years I have been a member of the House Armed Services Committee and have followed closely the progress of our national defense. I make these remarks only to point out my continuous interest in an adequate national defense, just to insure that some remarks I am about to make may not be wrongly construed.

DEFENSE SPENDING FACTS BEST ILLUSTRATED BY COMPARISONS

What are the facts regarding our defense spending? The only manner whereby we can determine whether we are going forward or backward in military preparedness is by comparing that which we are accomplishing today with that which we accomplished in the past. No one would expect our country to maintain the same armed might in time of peace as in time of war, to have a military establishment of the same size in 1956 as we had in 1952 and 1953. The Congressional Library has prepared for me a comparison of the military accomplishments of today with the military accomplishments during the 2 years immediately prior to the Korean war.

These figures cover the fiscal years ending June 30, 1949 and June 30, 1950, and June 30, 1956. World War II came to an end in 1945. In 1950 the Russian menace loomed as large as it does today. Russia was on the march and had an even larger army than she has today. Harry Truman was President of the United States, Louis Johnson was Secretary of Defense, Stuart Symington was Secretary of the Air Force, Frank Pace, Jr., was Secretary of the Army, and Francis P. Matthews was Secretary of the Navy. I do not intend to criticize or praise either the personalities involved or the planning for the development or the failure of development of our military strength in 1949–50 or today. I merely want to give you the facts.

The number of authorized air wings—called groups in 1949—authorized in June 1949 was 48. The number actually in operation was 48. The number of wings authorized as of June 30, 1950, had increased to 53, but the number actually in operation had decreased to 44. However, on June 30, 1956, 137 wings were authorized and 123 wings were actually in operation. An increase in actual operating wings in 1956 over 1950 is 179 percent.

Now, as to the actual personnel strength of the Air Force as of June 30, 1949, June 30, 1950, and June 30, 1956, there were 419,000 persons in the Air Force as of June 30, 1949, and this number had decreased to 411,000 on June 30, 1950. The strength of the Air Force as of June 30, 1956, was 916,000 men, an increase of 122 percent over June 30, 1950, in actual number of officers and men; and to those who would say that we are denying the Air Force necessary funds, I would point out that the Air Force during the fiscal year ending June 30, 1950, spent $3.6 billion, and in 1956 $15 billion, an increase of 317 percent.

ARMY HAD OVER A BILLION DOLLARS UNSPENT AT KOREAN WAR START

The increase of our Army strength is equally outstanding. The strength of our Army on June 30, 1950 was approximately 632,000; on June 30, 1956 1,027,000—an increase of 64 percent. With the money now being spent for higher pay and more modern weapons, the dollars spent become even more outstanding. For the Army in the fiscal year ending June 30, 1950, $3,985,000,000 was spent and for 1956 $8,510,000,000, an increase of 113 percent. One interesting fact concerns appropriations and spending: for the fiscal year 1950, Congress had appropriated $5,017,000,000 for the Army, yet only $3,985,000,000 were spent, leaving a 21 percent unexpended balance. This is especially significant as the Korean War started just 6 days before the end of that fiscal year.

The manpower strength of the Navy as of June 30, 1949, was 450,000 men, and by June 30, 1950, had dropped to 382,000 men. The strength on June 30, 1956 was 663,000 men, an increase of 73 percent over 1950.

The change in the strength of the Marine Corps is even more marked. On June 30, 1949, the Marine strength was 94,000 men and in the following fiscal year it dropped to 77,000. It has risen to 193,000, as of June 30, 1956, an increase of 150 percent since 1950. The expenditures for the Navy—including the Marine Corps—for the fiscal year 1949 was $4,446,000,000 and for 1950 slid to $4,102,000,000. For the fiscal year 1956, the Navy spent $9,435,000,000, an increase of 130 percent over 1950.

The number of reservists actually on a regular training status is of great importance. The record shows that there were 347,000 members of the National Guard on regular drill status as of June 30, 1950. That number had increased to 410,000 as of June 30, 1956. The number of our Air National Guard on a regular drill status from June 30, 1950, to June 30, 1956, increased from 45,000 to 63,000 members.

Table showing the military strength for the 3 services for the fiscal years ending June 30, 1949, June 30, 1950, and June 30, 1956, and the expenditures for those 3 fiscal years

Military service	June 30, 1949	June 30, 1950	June 30, 1956	Percent increase, 1949–50 and 1956
Air wings authorized	48	53	137	158
Air wings in operation	48	44	123	179
Air Force personnel on duty at end of fiscal year	419,000	411,000	916,000	122
Expenditures for fiscal year		$3,600,000,000	$15,000,000,000	317
Army personnel on duty at end of fiscal year		632,000	1,027,000	64
Expenditures for fiscal year		$3,985,000,000	$8,510,000,000	113
Navy personnel on duty at end of fiscal year	450,000	382,000	663,000	73
Marine Corps personnel	94,000	77,000	193,000	150
Navy-Marine Corps expenditures for fiscal year	$4,446,000,000	$4,102,000,000	$9,435,000,000	130
National Guard personnel on duty at end of fiscal year		347,000	410,000	18
Air National Guard personnel on duty at end of fiscal year		45,000	63,000	40

From these facts, it is apparent that from 1949 to 1950, that is, right up to the beginning of the Korean war, our Government definitely was decreasing our armed strength.

Mr. BROWNSON. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield.

Mr. BROWNSON. I want to compliment the gentleman from Indiana, a member of the great Committee on Armed Services, on the address he is making today. The study which he has made has kept him occupied for many, many weeks, gathering together the data on which this speech is based.

I would like to ask the gentleman a question. Is it not true that some of those who feel that the defense of this country today under the Eisenhower administration is inadequate are the ones who are responsible for cutting back the defense of this country to a marked degree in 1948, 1949, and 1950?

Mr. BRAY. That is correct.

During that period—the 2 years before the Korean war—we were abandoning our military bases, allowing our equipment to become obsolete, lagging in research. It is equally apparent that today, more than 3 years after the end of the hostilities in Korea, we have a far greater and stronger defense than we had at the beginning of that conflict. We are promoting research, developing new and better weapons and equipment, and modernizing our bases at home and abroad.

Let us clear away all of the confusion caused by sensational statements, extravagant plans, and political maneuvering and see exactly what our defense strength is today and what our plans are for the coming year, especially in the field of air power and guided missiles, which are receiving the greatest criticism.

Just what are the military plans of the United States for the year ending June 30, 1956? To get a clear picture of this important matter, in no way colored by the administration's view, I will quote rather extensively from two men, both members of the Democratic Party, who perhaps because of their ability, experience, and posts of responsibility, do more to guide our Armed Forces than any other two men, with the exception of the President. I refer to Congressman GEORGE H. MAHON of Texas, chairman of the Subcommittee on Defense Appropriations, for many years a vigorous exponent of a strong military establishment; and Congressman CARL VINSON of Georgia, also a Democrat, who is and for many years has been the chairman of the House Armed Services Committee and one of the strongest advocates of a strong national defense.

MAHON BELIEVES UNITED STATES LEADS RUSSIA IN MISSILES RACE

On Wednesday, May 9, 1956, the Defense Department appropriations bill was debated on the floor of the House. The Defense Appropriations Subcommittee of the Appropriations Committee, under the chairmanship of Representative MAHON, had held 3 months of hearings on this bill, filling 7 volumes and 6,500 pages with testimony. A study of the hearings on this appropriations bill and the House debate will, I believe, show that all branches of our services are becoming stronger.

In speaking of the guided missile program Representative MAHON had only praise for what is being accomplished at the present time. Mr. MAHON's remarks appear on page 7804 of the CONGRESSIONAL RECORD of May 9, 1956.

> Speaking of missiles generally I think there is little likelihood but that the United States, in the development of a wide variety of so-called guided missiles, is decidedly out in front of any other power. * * *
>
> Another important fact is that immediately after World War II the Soviet began an intensive program for the development of the ICBM (intercontinental ballistic missile). This country did not. We are trying now to make up for lost time and whether we will be able to do it remains to be seen.

The ICBM field, I must admit, is one in which there is no definite knowledge as to whether the United States or Russia is ahead in technical progress. We know Russia began her extensive intercontinental development just after World War II. We did not start until a few years ago. The element of time is the one concession we must grant the Soviets in this field. If we are behind, it is because of our inaction in the years between the end of World War II and conclusion of fighting in the Korean conflict. Today, as Representative MAHON said, "We are trying to make up for lost time."

In discussing the B–47, the medium jet bomber, and the B–52 large jet bomber, Representative MAHON on page 7804, the CONGRESSIONAL RECORD said:

> Of course, we are going to phase out the B–47's. We have about all the B–47's, the medium jet bomber, that we require."
>
> It may be that amendments will be offered to increase the funds in the bill for the B–52. I shall not support such amendments. If we had 1,000 new B–52's tomorrow, we would not have the crews to maintain and man them and the airfields to operate them. We can integrate a new weapon into our arsenal only as fast as we can provide the facilities and train the mechanics and crews necessary for its use.

In answer to Representative LANHAM, of Georgia, as to the advisability of converting more factories to the making of B–52's, Mr. MAHON said on page 7805:

> I doubt that an additional source for the B–52, the tooling of another plant, would have any serious effect upon the production of the B–52 in the next 12 months and very little effect in the next 18 months. But 2 or 3 years from now, of course, it would have a profound effect. But again, in 2 or 3 or 4 years from now we may be moving out of the production of the B–52 into the production of another type of bomber which is now on the drawing boards and which had not been finally firmed up.

ALL-OUT B–52 PRODUCTION COULD CHOKE NEW PLANE DEVELOPMENT

The last statement of Mr. MAHON demonstrates the error in the demand that we construct more and more B–52 bombers. A few years ago we made that mistake when we assumed that the B–36 was the zenith of our large bomber development. Before 10 percent of the B–36's were finished they were obsolete because of the greater efficiency of newly developed jet bombers over the propeller-driven bomber. If today we should "go all out" for the production of B–52's, in a few years we could have the air literally filled with them; but we would have ignored research and planning for far better planes which I personally know are on the drawing board.

We are all interested in research. Mr. MAHON, on page 7808 says:

> For research and development the bill provides $610 million. This may not be enough to adequately carry out all of the programs contemplated under this appropriation. However, no firm estimates of additional requirements could be supplied. The committee has told the Department that should breakthroughs occur in any important weapons development areas, available funds and facilities are to be used as rapidly as required, and that supplemental appropriations will be provided.

To those who say we are allowing our Air Force to slip, I respectfully refer them to Mr. MAHON's statement on page 7809:

> Well, the Air Force is going to 137 wings at the end of fiscal 1957, which compares with 127 as of today, with 98 on the day 3 years ago when Secretary Wilson took over, and with 48 as of just prior to Korea.

It has been charged that our air bases at home and abroad are not receiving proper consideration by the administration and Congress. CARL VINSON, chairman of the House Armed Services Committee, said during debate on the military construction bill—page 5994 of the April 10 CONGRESSIONAL RECORD:

> The Air Force under the bill gets authority for construction at 205 major installations of which 144 are in the United States and 61 overseas * * *
>
> The whole Air Force program is aimed at having the 137-wing Air Force in being and ready to go in 1957.

To the demand that we spend more money in this fiscal year for B–52's, the President of the United States, National Security Council, Bureau of the Budget, Secretary of Defense, Secretary of the Air Force, and the Air Force Chief of Staff, have all answered that they did not want this additional money.

MILITARY HOUSING NOW BUILT AT FASTEST RATE IN HISTORY

There have also been requests for more family housing for members of the Armed Forces. The availability of good housing for a serviceman's family is important to the efficient operation and morale of the Armed Forces. For years many service families either have rented at exorbitant rates poor housing, miles from the base, or have remained at their homes hundreds of miles away.

Housing is one facility that can be provided, yet costs the Government nothing. Married officers and the ranking married noncommissioned officers are entitled to family housing. If the Government does not furnish this housing, it must pay an allowance in lieu of housing. The Government can construct these houses for approximately the amount they pay the servicemen in lieu of housing.

Apparently those who are so loud in their demand that such housing be constructed do not take the time to investigate the true situation. From 1946 to

1951 but little armed services family housing was constructed on bases in the Continental United States. However, such is not true today. Last year we authorized and appropriated money for 28,000 homes for servicemen, the greatest such appropriation in our Nation's history. The services, however, only constructed approximately 14,000. We now have a new method of constructing and financing these homes. They are built by private capital on military reservations and the Federal Government pays for them at about the same rate they save in not having to pay a quarters allowance. Some 101,000 service homes are scheduled for this fiscal year. This is called the Capehart program of construction of military family housing.

Our bases are rapidly approaching completion, and within the next 3 years we should have all of our bases and family housing well on the way to completion.

Great and even revolutionary progress is being made in the entire field of electronics. The Navy is constructing an atomic-powered submarine which can launch guided missiles, and the Army is also advancing with greater firepower and maneuverability.

Many other programs have been commenced within the last 3 years to provide us with a stronger defense and to develop a higher morale within the services. We have a sound program of medical services for the families of our servicemen. We have commenced an integration system, transferring Reserve officers into the Regular services. This will do much to provide the stability so long needed in our Defense Establishment.

Any casual, nonpartisan study will show that we have reversed the old "feast or famine" policy of national defense. Previously we allowed our defense to deteriorate in strength and morale until some foreign country said "boo"; then we would frantically increase our defense, at tremendous cost but with little efficiency. We have reversed the trend which existed just before the Korean war, when our strength was rapidly deteriorating. Now, 3 years after Korea, we are building toward a long-time defense program, not one that will ebb and flow each time the Kremlin smiles or frowns.

Let us address ourselves to the alarmist who seems to see a Russian invasion just around the corner. Let us refer to the testimony of Admiral Burke, Chief of Naval Operations, before the House Armed Services Committee, January 18, 1956. Admiral Burke had been discussing the buildup of our Navy in comparison with that of the Russian Navy, and his testimony had revealed that the Russian buildup was in submarines—not the large ships and transports that would be necessary in an invasion. I asked regarding the possible purpose of the Russian Navy—

Admiral, referring to your earlier statements regarding the buildup of the American Navy in contrast to that of the Russian Navy, did I understand you to say that there is no evidence from the Russian naval buildup that they were contemplating any invasion of the United States?

Admiral BURKE. Yes, approximately, sir.

He later added:

In my opinion the type Navy that Russia is building is for the purpose of denying the control of the seas, denying the use of the seas to the United States and its allies, particularly near Eurasia.

NEW SOVIET JET TRANSPORT IS INFERIOR TO UNITED STATES PLANES

I would like to discuss briefly the myth of Russian air superiority. One interesting sidelight as to Russian air strength is that this propaganda campaign indicates that the Russians are using every possible means of fostering the idea of Russia's great technological progress. There has been the introduction into intelligence channels of doctored-up photographs, purporting to show the latest types of Russian planes. These photographs, which appeared in publications throughout the free world labeled as having come from "behind the Iron Curtain," actually were retouched photographs of some of the latest American planes, with the American insignia replaced by the Russian red star, and other minor alterations.

The recent flight of the Tu–104 jet-transport to London created a sensation in the outside world, not only because of the existence of the plane previously unknown, but because the Russians chose to show it off so dramatically.

The Tu–104 represents a tremendous step forward for the Russians, who heretofore have had nothing in the civil-transport field but very pale and inferior imitations of our prewar Douglas DC–3 and our postwar Convairs and Martin-liners. Its cruising speed of about 490 miles per hour, is about 60 miles per hour slower than that of the Boeing 707 and the Douglas DC–8, and about 100 miles per hour slower than that of the Convair Golden Comet. Its range of slightly under 2,000 miles compares with ranges of 3,000 miles for the Convair and 5,000 for the DC–8 and 707.

Its engines, which were described in the press as being much more powerful than any being built in England and the United States and which also power the new medium and heavy Russian jet bombers, are rated at slightly under 15,000 pounds thrust in the civil transport version and slightly over 17,000 pounds thrust in the military version. This puts them in the same power class as the Pratt and Whitney J–75, which is already in production in this country and which will power the overseas versions of the DC–8 and 707. It should be noted, however, that on the basis of the fuel consumed by the Russian jet on its flight to London, the fuel consumption efficiency of the Russian engine may be little better than half that of the American engine. This is an extremely important factor when it comes to the range capabilities of bombers; and, when it comes to commercial jet transports, it may well be the determining factor as to whether a particular plane type can be economically operated on a competitive route or not.

Aside from the engines, the airframe itself of the Tu–104 showed some peculiarities which appear to be quite significant. For one thing, the wings were quite thick—described by one correspondent as being grotesquely thick. Now, it happens that the efficiency and performance of high-speed aircraft appears to depend to a very great degree on having the wings as thin as it is structurally possible to make them.

The press stories following the arrival of the Tu–104 created the impression that the non-Communist world had no jet transports in existence, and that the Tu–104 was proof that the Russians were years ahead of us in this field. Actually, the Tu–104 made its first flight in June of 1955, while the Boeing 707 prototype has been flying since August 1954. Actually, of course, the pioneer in this field was the British Comet I. One of the reasons why the Comet I is no longer flying the commercial airways is that it suffered many of the same limitations and shortcomings as the Tu–104.

NO EVIDENCE SOVIETS POSSESS LONG-RANGE BALLISTIC MISSILES

As to the Russian development in the missile field, for example, when Communist boss Khrushchev bragged about Russia having a 1,500-mile range missile, he referred to it as a guided missile. Various persons in the United States picked up this statement and started shouting that it represented proof that Russia was way ahead of us in the missiles field; however, they misquoted Khrushchev as having said that Russia had a 1,500-mile range ballistic missile, which is a horse of an altogether different color. While it is true that we do not yet have a ballistic missile with a 1,500-mile range, there is still no evidence that Russia has either. On the other hand, we do have a guided missile with considerably greater range than 1,500 miles—the Northrop Snark. The only reason that we do not have this weapon, which has been fully developed, in operational quantities is that the Air Force, for reasons of its own, has decided to wait for perfection of that better weapon which is always just around the corner, in this case, the Navaho missile.

As to fighter planes, the American F–86 Sabrejet flies higher, climbs faster, flies faster, and has greater range than the Russian Mig–15. The F–86 can break the sound barrier and the Mig–15 cannot. The new B–58 medium bomber, almost ready for production, flies roughly twice as fast as any known Russian medium or heavy bomber. The American B–52 flies faster and higher and operates much farther than the Russian Bison, the large jet bomber.

It is proper that some comparison be made as to the relative percent of the national budget of the United States and other countries which is spent for military preparedness. Such comparison may be misleading because of the low pay and living standards of service personnel in some countries and because of the extent of nationalization of industries, especially in Russia. However, I will present the figures as prepared for me by the Library of Congress. The United States expends 53 cents out of each budget dollar for military preparedness, and if the atomic energy program and the mutual security program are included, our defense preparations cost 63 cents out of each dollar. Other countries spend the following percentage of

their budgets for military preparedness: United Kingdom, 44 percent; France, 28½ percent; Italy, 22½ percent; Russia, 20 percent. Again, I want to state that the figures, especially for Russia, are probably misleading for reasons given above.

The demand for increased military expenditures will not end this year. We are already aware of the planned requests for next year, which will be $14 billion more than the amount appropriated this year. If such demands were granted and appropriations for all other Government activities remained the same, the total budget would increase from $64,270,000,000 to $78,270,000,000, of which $54 billion would be for military expenditures, including atomic energy and mutual security. Thus, if the services should receive what they are planning to ask for in July 1957, 70 percent of our total tax dollar would go for military preparedness. If a budget increase of $14 billion had to be met exclusively by an increase in personal income taxes, the income from such taxes would have to be increased by 44 percent. Even if corporation income, excises, and other taxes were raised proportionately, the personal income levy would have to be increased by more than 20 percent.

FACTORS SEEKING INCREASED DEFENSE SPENDING STUDIED

As I have stated previously, I am for a strong, virile national defense, but I feel that I must raise my voice in warning against a trend which is all too obvious.

In a sense it is difficult to understand the present demand for greater and greater military expenditures when we are already spending 63 cents out of every Federal budget dollar for such purposes—a far greater percent than any other country on earth—far more than we were spending at the outbreak of the Korean war. It is especially difficult to understand when we remember that many of those who are crying today for more and more money for defense were in authority just before the Korean war and were rapidly decreasing the military strength of the United States.

I will attempt to present some of the reasons that are behind this great interest and loud demand to spend more than 63 cents of each budget dollar for the military and less than 37 cents of each dollar for all other activities of our National Government. This is an election year, and we naturally expect many issues to arise. This is also the time of year when the military budget comes before Congress, and we have all noticed for many years that at such times we see publicity of threatened attack and increased publicity of enemy strength. Rumors of dangers from a possible enemy are circulated throughout the country at this time. The manfacturers of planes and other articles of armament are naturally trying to sell their products.

Another reason for this demand for more defense money is very natural and understandable. We have in the United States a very capable and devoted military service. Our officers and enlisted men naturally believe in their respective branch of service and believe that it should excel; any other belief would demonstrate a lack of spirit and pride in their service. We are entering into a changing era of the making of war. Each serviceman is apprehensive that the importance and size of his branch will not be given the priority he believes it deserves. The Army, Navy, and Air Force are in bitter and unyielding controversy over which one will control the guided-missile program. The Army is demanding its own air force. The Navy is requesting more and larger airplane carriers. The Air Force says these carriers are worthless and the money spent on them should be spent on the Air Force. The controversy goes on and on. Gen. Matthew Ridgway, now retired, a great and fine soldier, believes that a great mistake is being made in our emphasis on airpower as over the Army. On the other hand, I recently heard Maj. Gen. O. A. Anderson, a retired Air Force general, say that the Air Force is practically everything in defense and that the Army should only be an auxiliary to our air arm to support it if and where needed.

As a tanker in World War II, I never thought that proper emphasis was being given to armor—I never thought that my battalion was being given enough of anything. Each branch of the service is clamoring for more and more with insatiable appetites. Active and retired officers, and the manufacturers of planes and other weapons of war, are using the press, radio, and TV to sell their story to the American people, to the administration, and to the Congress.

The more sensational the story, the easier it is to get publicity. It is always easier to view with alarm than to point with pride. A story stating merely that we have a strong, well-balanced defense force sufficient to our needs, yet within our capacity to maintain, will never make the headlines. But if one has a story that Russia is planning to launch an aerial attack from the North on our steel mills along the Great Lakes, that certainly is news, regardless of the truth of the statement.

I do not mean to criticize these members and friends of the various services and manufacturers selling their story to the American people and to the Government. In a democracy all sides should be heard. It is a job of the administration and of Congress to determine in the light of all the facts what should be done. If we should give to the air generals all of the planes and airmen they request; to the Navy admirals all of the seamen and ships they request; and to the Army generals all of the soldiers and guns that they request, there would be nothing left for other activities of our Government. That is the trend of events in a country of militarism, where a country exists for the military instead of the military to serve the country—militarism has in the end destroyed every country that has adopted it. No real American, and especially none of our able military leaders, would want such a condition.

NEVER UNDERESTIMATE ABILITY OF POSSIBLE ENEMY FOR WAR

Prior to World War II, our country was not making adequate progress in military preparedness. I remember that some of our military leaders jokingly said that if we had a war with Japan in the early morning we would win it before lunch. After war came, I assure you several lunches were missed before that war was over.

Before the Korean war many of our so-called experts said that Russia couldn't even make a truck that could operate effectively. Now many of our so-called experts loudly cry that Russia is outdistancing us in airplanes, guided missiles, bombs, scientific education, and many other fields. Most of these claims are incorrect. It is true that Russia is a country that is great in area, population, and resources; its people are intelligent and industrious. Russia is making progress, but as long as she relies on slave labor her progress will be inferior to ours. Russia apparently realizes that for even to the most casual observer it is apparent that she is veering away from many of her old practices. When Russia recognizes the great democratic principle of freedom and dignity of the individual, if she ever does, she then could build a way of life similar to ours. I for one hope that she does reach that standard. A Russian who believes in the freedom and dignity of man will not be an enemy of free people any place.

It seems to be popular today to state that Russia is winning the cold war—that democracy, as we know it, is failing. I am no Pollyanna, but I cannot see that to be the case. It is true there are countries and people who do not have the strength and character to remain free. Freedom is only for those stout of heart. No foreign country can bribe people to resist tyranny and to fight for freedom. However, there is one fact that clearly demonstrates we are not losing the cold war. Russia for years has been rattling the sword, building greater armed forces, and apparently threatening the world. Now it is clear that Russia sees that she cannot gain her ends by armed might. She has ceased to rattle her sabre, and is cutting down her armed forces, at least in number.

RUSSIA NOW FEELS SHE CANNOT CONQUER THE WORLD BY FORCE

Please understand that I am not naive enough to believe that Russia has changed her goal any more than we have changed our goal. But Russia does understand that she cannot conquer the world by force. It demonstrates that she has accepted defeat in this regard, and certainly refutes the thinking that Russia is gaining her objectives. If Russia were gaining her objectives by threat of armed might she would have continued that course, for you never change your course of action when you are winning.

For what purpose does the United States maintain so powerful a Military Establishment? Aside from protecting our shores from military attack, from a would-be aggressor, the American people generally want to be friends and help less fortunate people. The American people desire that all people have freedom and good government. Many well-meaning people in the United States even go so far as to believe that the United States should by force of arms, if necessary, right every wrong in the world. They would have our planes, ships, and

tanks, give to every people on earth the kind of government we think is best. If that philosophy is going to govern the military actions of the United States, then it is true that we do not have enough soldiers, airmen, seamen; not enough planes, ships, tanks, bombs, and guns. There is not enough youth in America, enough resources or economic capacity, enough wealth in all America to carry out such a grandiose, Don Quixote plan for righting all of the wrongs in the world.

A worldwide military and economic effort of that magnitude would drain dry our great economic and military might. The regimentation necessary in such an effort would destroy our heritage of freedom. We would fail, and then the United States, instead of standing as a shining example to the world of what democracy and freedom can produce, would instead stand as a stark warning of the failure of democracy.

Sun Tzu, the great Chinese military leader and writer, in 496 B. C., said:

If he—

Referring to a military leader—

sends reinforcements everywhere, he will be everywhere weak.

Hindsight in military planning is easy. Foresight is difficult if not impossible. Some of those sounding off now with criticisms of our defense planning were not overly blessed with the ability to peek into the future when they controlled the Pentagon. Should we ask them now why their crystal balls apparently were clouded when the military programs were in their hands?

No one knows exactly what course we should follow, how large our military forces should be, exactly what arms we should have. As I say, military planning is difficult. Our possible future action is clouded by the uncertain plans of our adversary. However, the decisions must be made and are being made by the President of the United States, the Commander in Chief of our military forces, who in his own right, is one of the greatest military leaders of our age. He receives the summation of all of the knowledge in the hands of all agencies of our Government, and he has the advice of our most capable military leaders. No one knows whether war will come. I do not believe war is in the foreseeable future. But in my capacity as a Member of Congress and as a member of the Armed Services Committee, I cannot disregard that possible danger any more than you who, while not expecting a fire, yet carry fire insurance on your home.

I do know that the greatest danger from communism comes from within a country and not from without. I do know that militarism and supporting too large a military service can wreck the economy and stability of a country as quickly as an armed enemy can do. Lenin himself said that the United States will spend itself into ruin. We must see that this does not happen.

I fear that, in the beating of drums and the blowing of bugles, we may forget that the real strength of America does not lie in our armed might, in our marching battalions, in our ships and tanks and guns. The real strength of America lies in its free, unregimented people, a Nation under God, dedicated to the freedom and dignity of the individual, a free people that have produced the greatest economy and the highest standard of living on earth. Without that great economy and without that free unregimented people, all of our Armed Forces would become "as sounding brass or tinkling cymbal."

WORKING PEOPLE PROSPER UNDER REPUBLICAN ADMINISTRATION

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Illinois [Mr. SHEEHAN] is recognized for 20 minutes.

Mr. SHEEHAN. Mr. Speaker, a review of the record of the last 4 years of the Republican administration leaves not the slightest shadow of a doubt that the working people have greatly prospered under the Eisenhower Republican administration.

Recent reports of the Commerce and Labor Departments show that more Americans held jobs in June—66,503,000—than in any other month in our Nation's history. The reports also showed that the average weekly earnings of $79.40 during the month of June were an all-time record high. The above, coupled with the fact that the average annual family income is at an all-time high, proves conclusively that the American workingman is earning more money than at any previous period in our history.

However, we must measure this increase in earnings from the standpoint of its purchasing power. It does not do much good to earn more money if those increased earnings do not enable one to buy more goods, increase one's savings, or make possible a higher standard of living. It does little good to get increases in wages if such increases are consumed by an equal rise in the cost of living. In other words, if it now costs more money to obtain the same amount of goods and services as one was able to purchase with smaller earnings last year, one is no further ahead.

Under the Eisenhower Republican administration the working man realized increased purchasing power from his increased earnings. In the period 1944–52, the workers of this country received wage increases amounting to $21.89 per week. This gain under two Democrat administrations was an illusion, because inflation and taxes not only absorbed these wage increases but actually caused the real spendable earnings of a single person to drop by $1.88 per week. Between 1952 and 1955, under the Republican administration, the average worker received a clear cut gain in net spendable earnings of close to $6 per week. This has been brought about to a large extent by the fact that the level of the cost of living has remained steady during the past 2 years, thus making the wage increases the workers received very real in terms of purchasing power.

Moreover, the working people are now sharing to a greater extent in the Nation's income and prosperity than at any time since 1939. From 1953 to 1955, under the Republicans, the workers of our country received 69 percent of the national income, the largest percentage since 1939. In other words, the big gains in our national prosperity are going to people who live on wages and salaries.

Many members of the Democrat Party during their 1952 campaigns attempted to mislead the working people into believing that a Republican administration would bring back the depression. The facts stated above certainly dispel that false propaganda. As further proof, a recent coast-to-coast survey released on May 31 by Dr. George Gallup, shows that for the first time in 20 years the rank and file of labor union membership indicated it will give a majority of its votes to the Republican candidate for President. This poll indicated that this year 56 percent of labor union members would vote for President Eisenhower, whereas 4 years ago Mr. Eisenhower polled only 39 percent of these votes.

In a similar vein, the Democrats in their 1948 and 1952 platforms made promises to certain union officials and to the rank and file of union workers that they would repeal the Taft-Hartley Act. In 6 out of the last 8 years since the Taft-Hartley Labor Relations Act was passed, the Democrats have controlled the House and Senate. In none of these 6 years of control did the Democrats bring on to the floor of the House or of the Senate a bill to repeal or to amend the Taft-Hartley Act. They simply made false promises to hoodwink union members in order to gain votes. In 1953, when the Republicans brought out on the Senate floor a bill to amend the Taft-Hartley Act, every Democrat Senator voted to send the bill back to committee, which was tantamount to killing the bill.

From the standpoint of union members, the least acceptable part of the Taft-Hartley Act is section 14 (b) dealing with right-to-work laws. When the Democrats are in power, the southerners are in control of most of the committees of Congress. Of the 18 States that have a right-to-work law on their books, the legislatures of 13 of those States are controlled by southern Democrats, 4 by Republicans and 1 is nonpartisan. The Congressional delegations from those 18 States comprise a total of 114 Democrat Congressmen and Senators; therefore, how can union members expect any sympathetic consideration of legislation benefiting union labor in view of that record.

President Eisenhower and the Republican administration have sent to the Congress many legislative proposals benefiting millions of working people. These include safety programs, betterment of working conditions, expansion of overtime laws on Federal construction projects, amendments to the Taft-Hartley Act and many others, all of which have been quietly tucked away—pigeonholed—by a Congress controlled by Democrats.

In 1955, 14,000 people were killed on their jobs and nearly 2 million workers lost time through injuries incurred on their jobs. The Republican administration proposed legislation to promote occupational safety programs in the States by providing grants-in-aid to the indi-

vidual States to enable better and broader worker protection programs to be instituted. This legislation was introduced early in 1955, but thus far there has been no action on it by the Democrat-controlled committees. I could repeat this story many times over to prove conclusively that when the Democrats control the Congress the general welfare of union members and of all working people is not foremost in their deliberations. How then can it be honestly argued that the Republican administration does not favor the workingman in the face of its record of accomplishment and its record of proposed worker-benefiting legislation?

There is no question at all in my mind that from the past record a continuation of Republican administration would be most beneficial to the peace and prosperity of the working people of America. The only hope of the working people for forward-looking legislation is by returning control of both the House of Representatives and the Senate to the Republican Party. I like to keep ever in mind—and I should like to reiterate here to you—the assurance given by Secretary of Labor James Mitchell in his statement:

> My job in the Labor Department is to promote and develop the welfare of the wage earners of this country, and I assure you, ladies and gentlemen, that so long as I am in that job that will be my sole objective.

THE SITUATION IN AGRICULTURE

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Ohio [Mr. HENDERSON] is recognized for 20 minutes.

Mr. HENDERSON. Mr. Speaker, the farm question has probably been discussed more than any other problem upon the floor of this House during this session of Congress. I have heard most of my colleagues make some statement or other on one of the many sides of the issue. Too often, I believe, an attempt has been made to make the situation in American agriculture a political issue. If it is a valid political issue, Mr. Speaker, it would seem to me that it is an issue which clearly favors the Republican Party and is unfavorable to the Democrat Party.

I grew up on a farm in southeastern Ohio about 4 miles north of the city of Cambridge. My first recollections of my farm environment began in about the year 1922 and continued on for the next 20 years until I left Ohio to enter the Army. We thought we had a pretty progressive farm. One thing on which we prided ourselves was our independence to do what we thought best in our pursuit of one of the world's oldest occupations. Ours was the determination of the number of acres that we would allot to a given crop. My family decided the manner in which our crops would be rotated. It was left to us to determine the price at which we would sell our milk products. We were the sole judges, within the laws of supply and demand, of what the market would bear in the price that we received for all of our agricultural products.

During the late thirties and early forties various things were done over here in Washington which were designed and intended to improve the lot of the farmer and at the same time to remove from him some of the natural freedoms which he had enjoyed. These laws called upon him to surrender some of his rights in exchange for a paternalistic attitude on the part of Government which would give to him a few dollars or a little fertilizer or some advantage which he had not heretofore enjoyed.

Some of the farmers in our valley listened and were quick to accept those dollars from Washington. Others of our neighbors, too fond and too jealous of their independence, rejected any thought of a Government bribe. I can remember full well a statement which was made by Court of Appeals Judge Charles Montgomery when he said that "for every dollar that the farmers accepted from Washington, they are surrendering some of their liberty, their rights of decision, and their independence."

The entangling net of Government controls completely captivated American agriculture during the war years. Acreage controls, price controls, everything, in fact, except thought control, became part of the farmer's way of life.

I did not return to the farm after I got back to this country from service in the Army, and I think that one of the reasons that prompted me to stay away was the terrible tangling of controls.

Since I have been in Congress, I have received a great number of letters from thinking farm men and women. Early this year I sent out a questionnaire to the people of the 15th Congressional District. In that questionnaire, I asked 30 questions covering nearly every aspect of current national problems. Four or five of the questions dealt with agriculture—with farming in southeastern Ohio. Not only did my constituents answer my questionnaire, but when they got down to the questions that had to do with farming, they made many detailed and voluntary statements to convey their feelings to me with regard to farming in America. A great number of them frankly stated that our agricultural troubles could best be eliminated, could best be cured, if the farmer were let alone and allowed to do what he wanted to do. Then, if they had the proper type of weather, enough sunshine, enough rain, and a little less interference from Washington, the agricultural problem as it manifested itself in southeastern Ohio would be solved.

Insofar as farm income was concerned, of course, they complained about the price that they were receiving for the produce they sold as it compared with the price that they were paying for the goods that they needed in order to run their farms. That complaint will be heard as long as the situation continues. A great number of these letters and comments which I have received from the farmers of southeastern Ohio have pointed the finger at the cause of their farm dilemma. They know that that cause stems from the political manipulations of the Democratic Party during the time that it had control of the Congress and White House.

For instance, in 1951, with a Democrat President in the White House, his Democrat Director of the Office of Price Stabilization Michael V. DiSalle announced a 10 percent rollback on the price of cattle with President Truman's approval. They even threatened rollbacks because they said the price of cattle was too high.

The result of this announcement was an immediate drop in the price of cattle—a drop which the farmers of America felt very keenly in their pocketbooks.

In the election year of 1952, in a vain and desperate effort to win favor with the farmers of America, the Democrat administration continued to ignore all acreage controls on basic crops despite the fact that high rigid price supports by the Government were stimulating the production of staggering surpluses which could only serve to bring about an eventual drop in farm prices.

The Democrats carried out this cynical manipulation for a short term political advantage. As we know, it failed to woo the farmer's vote, but it clearly was a blow to his income.

The result was to increase the surplus of agriculture products which was becoming dangerous under the continuation of rigid price supports. The problem of farm prices stems from surpluses and over-production stimulated and encouraged by the blind devotion to rigid price supports by the Democrat Party. So long as that surplus hangs over our heads, there will be a tendency to depress the price the farmer receives.

Now, during the current session of Congress, the Republican administration has addressed itself realistically to the problem of farm prices. Several important measures have been urged by the present administration which have been rebuffed by the Democrat Congress. I am not convinced that very much is to be gained by the farmers of southeastern Ohio through price supports of basic crops. My constituents are simply not raising sufficiently great amounts of any one crop that price supports are going to mean too much in the way of added income. The sources of income on 15th district farms are many and varied and are dependent upon the overall farm picture. We have relatively low income farmers in our part of Ohio. Our problem is to raise that income for our farmers and in this regard the support price of wheat or corn or any of the other basic commodities has little direct relationship, for they do not sell great quantities of grain. High rigid price supports, however, do have their effect. The little farmer who has to buy feed pays more for it. The large corporate farmer who creates the surpluses lives off the fat of Government price supports. At the same time, his over-production depresses market prices which small family farmers receive.

The salvation of the low-income farmer in the 15th District of Ohio lies not with support prices, but with an opportunity to utilize every new technique and device to raise his income. The Government bears a direct responsibility in this.

Knowing of the needs of the low-income farmer, who makes his living on a small family-size farm, the administration last year proposed legislation which would assist him by helping him farm more profitably. Through lack of foresight or deliberately, the Democrat leadership of this Congress has not seen fit to permit that legislation to be enacted.

Then came the year of the soil-bank legislation—1956. This plan was announced very early in the year by the Eisenhower administration. It was a part of the President's message to Congress—his plan to help the farmers who needed assistance. By their subsequent action, the Democrats have admitted that the plan has merit, because they have approved it. But how much more help it could have given to America's farmers—both in the way of a cash income and in reducing the surplus which hangs over America's agricuture if it had been enacted earlier in the year. Knowing that the program was a good one, but fearing that immediate action might possible result in improvement in the farmer's plight, the Democrat leadership in Congress set every possible legislative block in motion in an effort to delay a good, sound, and sensible program. Instead, the Democrat leadership included the soil-bank program as a part of its own unworkable and unacceptable legislative program by incorporating it in a bill which sent up a smokescreen insisting upon high rigid price supports which most Americans have repudiated. For a time it looked as though the only way to obtain the good parts of the bill was to accept another year of rigid price supports. In this way, the Democrats hoped to secure a reversal of the administration's plan of flexible price supports in exchange for the needed and acceptable soil-bank program.

It has been pointed out and proved abundantly that a great number of the difficulties in agriculture today stem from high, rigid price supports—again price supports which have been of little or no benefit to the farmers of southeastern Ohio. The President's veto of this bill, and the insistence of public opinion forced the Democrat-controlled Congress to provide a reasonable facsimile of the kind of legislation the President had requested.

And finally, after the Democrat leadership realized it could not be successful in its maneuverings on this bill—that the soil bank program would be accomplished without the reestablishment of high support prices—still another roadblock was placed in the way. The soil bank program could have become a complete reality in 1956 and the benefits of it could have been received by the farmers of America this year—not next. But no, those of the Democrat Party who were watching American farmers suffer under the burdens which they had placed upon them, were afraid that if the burden were to be removed in 1956—in an election year—that the American farmer might possibly vote for the Republican Party.

Mr. Speaker, let me suggest here and now, that the farmers of America have not been asleep for the last 20 years—that the farmers of this Nation are not the dumb, ignorant boobs that some of our colleages would believe them to be or might wish them to be.

Let me point out that in the history of America our farmers have been the great leaders of our Nation's destiny. The time has not yet come when the city slickers of either political party are going to be able to pull the wool over the eyes of America's farmers. Our farmers are alert and they know what is going on. They know who has been responsible for the plight that they are now experiencing. They know wherein lies their salvation. They know how they have been manipulated by political cynics in the past and that is why they will vote Republican in 1956.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' LEGISLATION

The SPEAKER pro tempore. Under the previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I want to remind the House that Congress should remain in session until we pass the pension bill and the compensation bill for the veterans.

ATOMIC ENERGY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise in support of the atomic-energy bill which I understand will come up for action very soon. I do so with a heavy heart, because I know Mr. Speaker that pressures beyond my control have already taken out of the bill a provision which the committee initially wrote into it to provide for the construction of one of the atomic facilities within an area of the United States in which electric power is currently produced at relatively high cost and which is relatively remote from conventional fuels.

Mr. Speaker, the area the committee was describing is my own beloved New England.

Though the bill provides for the construction of reactors at existing AEC installations, we in New England, while supporting the bill, look forward to the possibility of construction of one of the reactors in the New England area. Certainly one could be produced in connection with the power needs of the assembly of the atomic submarines in Connecticut. One could be produced in connection with the laboratories at the Massachusetts Institute of Technology in Cambridge, Mass., and we of the Fifth District of Massachusetts have been hopeful that the Army package reactor program could be accelerated by using the facilities at the Watertown Arsenal.

Mr. Speaker, we in New England feel unfortunately neglected in the development of this new industry into which the Government has now poured approximately $15 billion. Mr. Speaker, we in New England need the benefits which will flow from the peacetime use of the nuclear sciences as an economic boost to our economy.

Mr. Speaker, the administrators of this program have sadly neglected the advantages which New England provides for the allocation of one of their concentrates of industry which has grown up around this new science. Over $7 billion has now been invested in the capital structure of this new industry. I join with my colleagues in rejoicing at the allocation of the plants in Oak Ridge, Tenn.; in Hanford, Wash.; in the Savannah River area of Georgia and South Carolina; in Los Alamos, N. Mex.; in the Argonne National Laboratory near Chicago, Ill.; in the Gaseous Diffusion Plants in Portsmouth, Ohio, and Paducah, Ky., Arco-Blackfoot, Idaho. The nearest major installation of the atomic program to New England is the Brookhaven Laboratory on Long Island.

Mr. Speaker, 130,000 workers are directly employed at these major industrial installations. Reliable estimates show a minimum of 400,000 are directly or indirectly employed in these new expanding industries. Yet we in New England have not a single major installation and only a few minor installations operated under contract with AEC and the only significant atomic plant in New England is the submarine assembly unit at Groton, Conn., which employs less than 1,000 men.

Mr. Speaker, New England is being ignored in yet another respect. Under the power demonstration program, reactors are being planned and considered in many sections of the country. Reactors which will produce electric power, sometime in the future we hope, at a cost competitive with conventionally produced electricity. Only New England is being bypassed in the major aspects of this demonstration reactor program. Only New England, Mr. Speaker, is losing out in the location of these demonstration reactors. Without criticizing the advantage which my colleagues have secured for their section of the country, I would point out, Mr. Speaker, that projects which are being actively considered today include the North American reactor program in Livermore, Calif.; the Los Alamos reactors in New Mexico; the Elk River project in Minnesota; the consumers public power project in Nebraska; the Commonwealth Edison proposal near Chicago, Ill.; the Detroit Edison proposal—though I understand this project has now been rejected on safety grounds—the Consolidated Edison proposal in New York City; the eastern Pennsylvania electric proposal, and only two were ever considered for New England. These I will discuss at some length.

The first of the two projects which was proposed by a public power body, the Holyoke, Mass., Electric Society, has now been curtailed by request of the Bureau of the Budget from a $50 million proposal to an allocation of $15 million

which Mr. Strauss admitted before our colleagues in the House Appropriations Committee was inadequate to permit this project to go ahead. I cannot say that the Holyoke project is dead, but it is clear that of all of the projects which AEC has stated it is pushing forward, only the major project in New England has been so sharply curtailed as to put its whole future in jeopardy.

The second project is one of even more dubious existence. This project, proposed by a combination of 18 New England power companies, is known as the Yankee atomic electric project. It plans to build in north central Massachusetts what is described in their application to the SEC as "a single experimental atomic generating facility whose capacity is of minor significance in relation to the overall New England power supply."

I suppose, Mr. Speaker, that that description could be applied to all of the reactors which will be built under the terms of this bill. But, Mr. Speaker, I am surprised to read further on in their SEC application the following:

In this connection it may be noted that the designs for the proposed plant do not permit the installation of an additional reactor, that on account of water conditions it is improbable that an additional unit of the same size and nature could be added at the present location, and that Yankee's president (whom I believe to be the president of the New England Power System), testified that there was no intention of expanding it either to a multiple-unit installation on the same site or to a second installation at another site.

In other words, Mr. Speaker, the Bureau of the Budget has foreclosed our proceeding in New England as rapidly as power demonstration reactors are going ahead in other parts of the country, and our timid private enterprise in New England is planning, at most, a small experimental nonexpandable reactor, to produce a grand total of 134,000 kilowatts in power-hungry New England.

Mr. Speaker, New England is power hungry. New England needs some of the advantages which have been secured by other sections of the country in the development of large blocks of low-cost power.

I know that the economic state of New England requires the benefits which can flow from the availability of a large block of low-cost power. The Committee on New England of the National Planning Association in a review of the economic state of New England recently wrote, and I quote:

As we shall see shortly, power rates and costs in New England are above the national average. Industries which require large quantities of low-cost power have been slow to expand in the region or are not present at all, with the exception of the paper industry in the northern part of New England, where sufficient hydroelectric power was developed in a period of much lower costs.

It continues:

The principal way higher power costs have been felt has been in their influence on the location decisions of certain types of new manufacturing establishments and in the rates of expansion of some existing establishments.

And what of the future power needs of New England? The report says:

To meet the power needs of the future through increased capacity is a continuing long-range problem. * * * Even without any replacement, by 1970 New England will require from 3,400,000 to 5,400,000 (kilowatts) of new generating capacity, roughly doubling the total capacity of the region in 1952.

And my final quote from this study shows the need for Federal intervention because of the following conclusion:

Without attempting to pass judgment on the engineering appraisals, it seems fair to say that under private financing and ownership the amount of new hydroelectric capacity in the region that can be economically added to the private utility systems of New England by 1970 is no more than 15 percent of the total expansion that will be needed during that period, and it is probably less than 10 percent. The declining proportion of hydroelectric to total capacity will undoubtedly continue in New England, as in the country as a whole.

Mr. Speaker, part of the reason for high cost is due to the remote distance of New England from the sources of conventional fuels. This factor is so well known to New England that it is not necessary for me to go into this subject for their benefit but for those of you who come from other sections of the country who have not had the privilege of sharing in our wonderful climate and scenery and therefore have not been exposed to the thinking in the region about the high cost of fuel, I will develop this factor briefly.

The National Planning Association study shows that New England consumes 319 trillion BTU's of residual oil, 295 trillion BTU's of bituminous coal, 223 trillion BTU's of oil, 83 trillion BTU's of anthracite coal, 41 trillion BTU's of manufactured gas, 29 trillion BTU's including hydro coke, and so forth. The residual oil is a subject which has been discussed in this Congress. Conflicts which have occurred around this subject have resulted in increasing the cost to New England of residual oil. Though we have the advantage of inexpensive water transportation and New England is a major consumer of imported residual oil, we know from the wartime experience how dangerous it is to rely exclusively on this source of energy.

The average cost per million BTU's of energy from bituminous coal in the United States is 23.8 cents. We in New England are forced to maintain our economy on the economic disadvantage of having to pay an average of 37 cents per million BTU's from bituminous coal. But we are faced even there with continuing rising costs.

The study reports, and I read from page 191:

The most promising opportunity for the substitution of fuels in New England is the commercialization of nuclear fuels, though their extensive use will probably require many more years of development.

Mr. Speaker, I believe this bill will provide the breakthrough to the peaceful use of atomic energy which President Eisenhower called for in his United Nations speech of December 8, 1953. I support the bill in its content and I urge my colleagues to join me so that we in New England can share with the other sections of the country, the advantages which will accrue from the passage of this bill.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FORD, for 10 minutes, on Friday, July 20.

Mr. GRAY, for 30 minutes, on Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. CHIPERFIELD and to include extraneous matter.

Mr. METCALF and to include extraneous matter.

Mr. CHRISTOPHER.

Mr. THOMPSON of New Jersey in three instances and to include extraneous matter.

Mr. MILLER of California and to include extraneous matter.

Mr. BYRD.

Mr. MILLER of Maryland.

Mr. BAUMHART (at the request of Mr. HENDERSON).

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2603. An act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside;

H. R. 4993. An act to authorize the Board of Commissioners of the District of Columbia to permit certain improvements to two business properties situated in the District of Columbia;

H. R. 5853. An act to amend the act entitled "An act to regulate the practice of veterinary medicine in the District of Columbia," approved February 1, 1907;

H. R. 7089. An act to provide benefits for the survivors of servicemen and veterans, and for other purposes.

H. R. 7723. An act to authorize the Secretary of Agriculture to convey certain lands in Phelps County, Mo., to the Chamber of Commerce of Rolla, Mo.;

H. R. 8149. An act to amend the first sentence of paragraph (a) of section 756 of title 11 of the District of Columbia Code, 1951 edition (paragraph (a) of section 5 of the act of April 1, 1942, ch. 207, 56 Stat. 193), relating to the transfer of actions from the United States District Court for the District of Columbia to the Municipal Court for the District of Columbia;

H. R. 9742. An act to provide for the protection of the Okefenokee National Wildlife Refuge, Georgia, against damage from fire and drought;

H. R. 9842. An act to authorize the Postmaster General to hold and detain mail for temporary periods in certain cases;

H. R. 10010. An act for the relief of Roy Click; and

H. R. 11077. An act to amend the Atomic Energy Community Act of 1955, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 277. An act for the relief of Jean Pfeifer;

S. 1627. An act for the relief of Alexander Orlov and his wife, Maria Orlov;

S. 1708. An act for the relief of Mr. and Mrs. Ernest M. Kersh;

S. 1893. An act for the relief of Harold D. Robinson;

S. 2846. An act for the relief of Don-chean Chu;

S. 3150. An act for the relief of Sergeant and Mrs. Herbert G. Herman;

S. 3473. An act for the relief of Kurt Johan Paro;

S. 3579. An act for the relief of Elizabeth M. A. de Cuevas Faure; and

S. 3705. An act to require periodic survey by the Secretary of Commerce of national shipbuilding capability.

ADJOURNMENT

Mr. WILLIAMS of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p. m.) the House adjourned until tomorrow, Friday, July 20, 1956, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2072. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on the audit of the Navy industrial fund, United States Naval Powder Factory, Indian Head, Md., Bureau of Ordnance, Department of the Navy, for the period October 1, 1953, to June 30, 1955, pursuant to the Budget and Accounting Act, 1921 (31 U. S. C. 53), and the Accounting and Auditing Act of 1950 (31 U. S. C. 67) was taken from the Speaker's table, and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBESON of Virginia: Committee on Post Office and Civil Service. S. 65. An act to amend section 1 (d) of the Civil Service Retirement Act of May 29, 1930, as amended; with amendment (Rept. No. 2796). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURRAY of Tennessee: Committee on Post Office and Civil Service. S. 912. An act to amend the act of April 23, 1930, relating to a uniform retirement date for authorized retirements of Federal personnel, and the Foreign Service Act of 1946, as amended; with amendment (Rept. No. 2797). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURRAY of Tennessee: Committee on Post Office and Civil Service. S. 1873. An act to increase the minimum postal savings deposit, and for other purposes; without amendment (Rept. No. 2798). Referred to the Committee of the Whole House on the State of the Union.

Mr. KILGORE: Committee on Post Office and Civil Service. S. 2634. An act relating to the transportation of mail by highway post office service, and for other purposes; without amendment (Rept. No. 2799). Referred to the Committee of the Whole House on the State of the Union.

Mr. ALEXANDER: Committee on Post Office and Civil Service. S. 3592. An act to provide in certain additional cases for the granting of the status of regular substitute in the postal field service; without amendment (Rept. No. 2800). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 3698. An act to amend the act of June 4, 1920, as amended, providing for allotment of lands of the Crow Tribe, and for other purposes; without amendment (Rept. No. 2801). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 3968. An act to provide for the termination of Federal supervision over the property of the Peoria Tribe of Indians in the State of Oklahoma and the individual members thereof, and for other purposes; without amendment (Rept. No. 2802). Referred to the Committe of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 3969. An act to provide for the termination of Federal supervision over the property of the Ottawa Tribe of Indians in the State of Oklahoma and the individual members thereof, and for other purposes; without amendment (Rept. No. 2803). Referred to the Committee of the Whole House on the State of the Union.

Mr ENGLE: Committee on Interior and Insular Affairs. S. 3970. An act to provide for the termination of Federal supervision over the property of the Wyandotte Tribe of Oklahoma and the individual members thereof, and for other purposes; without amendment (Rept. No. 2804). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURRAY of Tennessee: Committee on Post Office and Civil Service. S. 4060. An act to amend section 607 of the Postal Field Service Compensation Act of 1955 to include employees in the Motor Vehicle Service; without amendment (Rept. No. 2805). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 4086. An act to provide that the United States hold in trust for the Indians entitled to the use thereof the lands described in the Executive order of December 16, 1882, and for adjudicating the conflicting claims thereto of the Navaho and Hopi Indians, and for other purposes; without amendment (Rept. No. 2806). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 2887. An act to further protect and assure the privacy of grand or petit juries in the courts of the United States while such juries are deliberating or voting; without amendment (Rept. No. 2807). Referred to the House Calendar.

Mr. ROBERTS: Committee on Interstate and Foreign Commerce. S. 2060. An act to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to use the working capital fund, and to permit certain improvements in fiscal practices; with amendment (Rept. No. 2809). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 3391. An act to provide for the regulation of the interstate transportation of migrant farm workers; with amendment (Rept. No. 2810). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. H. R. 12237. A bill to encourage and assist the States in the establishment of State committees on education beyond the high school and for other purposes; with amendment (Rept. No. 2814). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 12254. A bill to provide additional time for the Tariff Commission to review the customs tariff schedules; with amendment (Rept. No. 2815). Referred to the Committee of the Whole House on the State of the Union.

Mr. HINSHAW: Committee on Interstate and Foreign Commerce. S. 2074. An act to extend for an additional 5 years the provisions of the act of September 30, 1950, entitled "An act to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof"; without amendment (Rept. No. 2816). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS of Ohio: Committee on House Administration. House Concurrent Resolution 254. Concurrent resolution authorizing the printing of additional copies of House Reports Nos. 2240, 2241, 2242, 2243, and 2244, current session; without amendment (Rept. No. 2817). Ordered to be printed.

Mr. HAYS of Ohio: Committee on House Administration. House Concurrent Resolution 261. Concurrent resolution authorizing the printing of additional copies of the hearings on civil defense for national survival held during the current session by a subcommittee of the Committee on Government Operations; without amendment (Rept. No. 2818). Ordered to be printed.

Mr. HAYS of Ohio: Committee on House Administration. House Concurrent Resolution 262. Concurrent resolution authorizing the Joint Committee on Atomic Energy to print 40,000 additional copies of the hearings of the Research and Development Subcommittee on Progress Report on Research in Medicine, Biology, and Agriculture Using Radioactive Isotopes; with amendment (Rept. No. 2819). Ordered to be printed.

Mr. HAYS of Ohio: Committee on House Administration. House Concurrent Resolution 263. Concurrent resolution authorizing additional copies of the hearing on labor-management problems of the American merchant marine; without amendment (Rept. No. 2820). Ordered to be printed.

Mr. HAYS of Ohio: Committee on House Administration. House Resolution 529. Resolution authorizing the printing of additional copies of House Report No. 2279, a report of the Committee on Government Operations on the effect of Department of the Interior and Rural Electrification Administration policies on public power preference customers; without amendment (Rept. No. 2821). Ordered to be printed.

Mr. HAYS of Ohio: Committee on House Administration. House Resolution 573. Resolution to print additional copies of the hearing held during the current session containing the testimony of Nikolai Khokhlov; without amendment (Rept. No. 2822). Ordered to be printed.

Mr. HAYS of Ohio: Committee on House Administration. House Resolution 596. Resolution authorizing the printing of additional copies of the hearings on the Health Amendments Act of 1956; without amendment (Rept. No. 2823). Ordered to be printed.

Mr. KLEIN: Committee on Interstate and Foreign Commerce. H. R. 12144. A bill to amend the War Claims Act of 1948, as amended; without amendment (Rept. No.

2824). Referred to the Committee of the Whole House on the State of the Union.

Mr. KLEIN: Committee on Interstate and Foreign Commerce. H. R. 6586. A bill to amend section 7 of the War Claims Act of 1948, with respect to claims of certain religious organizations functioning in the Philippine Islands; with amendment (Rept. No. 2825). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIES: Committee on Interstate and Foreign Commerce. S. 3430. An act to amend title III of the Public Health Service Act, and for other purposes; with amendment (Rept. No. 2826). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 616. Resolution for consideration of H. R. 9875, a bill to amend the Internal Revenue Code of 1954 to provide that the tax on admissions shall apply only with respect to that portion of the amount paid for any admission which is in excess of $1; without amendment (Rept. No. 2827). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 617. Resolution for consideration of S. 3732, an act to provide insurance against flood damage, and for other purposes; without amendment (Rept. No. 2828). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. House Joint Resolution 676. Joint resolution to authorize the Secretary of Commerce to sell certain war-built vessels; with amendment (Rept. No. 2829). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORRESTER: Committee on the Judiciary. H. R. 10898. A bill for the relief of Mr. and Mrs. Randall McMahon; with amendment (Rept. No. 2808). Referred to the Committee of the Whole House.

Mr. FORRESTER: Committee on the Judiciary. S. 2419. An act for the relief of Dr. Anton M. Lodmell; without amendment (Rept. No. 2811). Referred to the Committee of the Whole House.

Mr. FORRESTER: Committee on the Judiciary. S. 3064. An act for the relief of Thomas J. Smith; without amendment (Rept. No. 2812). Referred to the Committee of the Whole House.

Mr. FORRESTER: Committee on the Judiciary. S. 3347. An act for the relief of Mr. and Mrs. H. F. Webb; without amendment (Rept. No. 2813). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H. R. 12310. A bill to provide for further research relating to new and improved uses which offer expanding markets for farm products, and for other purposes; to the Committee on Agriculture.

By Mr. BARTLETT:

H. R. 12311. A bill to provide increased apportionments to Alaska with respect to the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BRAY:

H. R. 12312. A bill to provide for the issuance of a special postage stamp to honor the 125th anniversary of the origin of the savings and loan associations; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of New Jersey:

H. R. 12313. A bill to supplement the antitrust laws of the United States, in order to balance the power now heavily weighted in favor of automobile manufacturers, by enabling franchise automobile dealers to bring suit in the district courts of the United States to recover compensatory damages sustained by reason of the failure of automobile manufacturers to act in good faith in complying with the terms of franchises or in terminating or not renewing franchises with their dealers; to the Committee on the Judiciary.

By Mr. DIXON:

H. R. 12314. A bill to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes; to the Committee on Agriculture.

H. R. 12315. A bill to provide for further research relating to new and improved uses which offer expanding markets for farm products, and for other purposes; to the Committee on Agriculture.

H. R. 12316. A bill to provide for the establishment of the Golden Spike National Monument; to the Committee on Interior and Insular Affairs.

By Mr. LESINSKI:

H. R. 12317. A bill to provide for increases in the annuities of annuitants under the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on Post Offices and Civil Service.

By Mr. WALTER:

H. J. Res. 693. Joint resolution to authorize the issuance of nonquota immigrant visas allocated under the Refugee Relief Act of 1953, as amended, upon the expiration of the said act; to the Committee on the Judiciary.

By Mr. HAYS of Ohio:

H. Con. Res. 268. Concurrent resolution authorizing the disposal of certain obsolete Government publications now stored in the folding rooms of the Congress; to the Committee on House Administration.

By Mr. O'HARA of Illinois:

H. Res. 613. Resolution creating a select committee to conduct an investigation and study of the regulatory practices of the Federal Reserve System; to the Committee on Rules.

By Mr. ASHLEY:

H. Res. 614. Resolution that the Administrator of General Services Administration refrain from selling certain land in Lucas County, Ohio, temporarily; to the Committee on Government Operations.

By Mr. FRIEDEL:

H. Res. 615. Resolution authorizing the Sergeant at Arms of the House of Representatives to insure the funds of his office; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LATHAM:

H. R. 12318. A bill for the relief of William S. Scott; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H. R. 12319. A bill for the relief of Franc Molka; to the Committee on the Judiciary.

By Mr. O'NEILL:

H. R. 12320. A bill for the relief of Elpis Patrinacos; to the Committee on the Judiciary.

By Mr. PHILLIPS:

H. R. 12321. A bill for the relief of Alfonso Navarette-Navarette; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H. R. 12322. A bill for the relief of Mrs. May Chen Cheing Voo (Wu) and Ming-Ming Voo (Wu); the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Voluntary Credit Home Mortgage Program

EXTENSION OF REMARKS

OF

HON. EDWARD T. MILLER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 1956

Mr. MILLER of Maryland. Mr. Speaker, the Congress has repeatedly voiced its interest in providing means by which in proper cases veterans can be assisted in promptly securing homes for themselves and their families.

However, a situation has developed that has had a serious effect upon many veterans and is producing inexcusable delays in the housing program.

The difficulty is not occasioned by faults in the legislation but in the way in which it is administered.

The VA has quite properly adopted a policy of reserving direct loans for the cases which are sound but where for some reason or another, the veteran is unable to secure the necessary credit from private institutions. To facilitate this approach an organization of private lenders has been established under the name Voluntary Credit Home Mortgage Program, and through it, applications are channeled to be accepted or rejected by private lenders within a reasonable period. If the application is rejected by VCHMP, it then becomes eligible for consideration for a direct VA loan.

So far the procedure works reasonably well. The catch is that after a loan is accepted by VCHMP and is therefore ineligible for a direct loan, all too frequently action bogs down for long periods and months elapse before the loan is processed and available. Often the veteran and his contractor are placed in a frustrating and damaging position. This is particularly apt to occur in rural areas such as the district I represent. They cannot secure a direct loan, yet the guaranteed private loan is not forthcoming.

An examination of the records of a single real estate broker on the Eastern Shore of Maryland indicates that, at the present time, he has 18 purchases by veterans awaiting financing or which have been settled in the last 30 days. Of that